



Policy & Procedure

Subject: Public Records Disclosure Policy		
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Approved by: Gary N. McLean, <i>G. McLean</i> Interim City Manager	Effective Date: 1/1/2008	Supersedes: 7/16/2001

1.0 PURPOSE:

The purpose of this policy is to provide information relating to the process for obtaining public records as required by Chapter 42.56 of the Revised Code of Washington. This policy will be available for distribution to the public.

2.0 ORGANIZATIONS AFFECTED

All departments.

3.0 REFERENCES

Chapter 42.56 of the Revised Code of Washington.
Chapter 1.14 of the Puyallup Municipal Code.
Resolution 1272, City of Puyallup Fee Schedule, as amended from time to time.

4.0 POLICY

4.1 Locations Where Requests for Public Records Shall Be Submitted

All requests for public records shall be submitted to the city department that retains the records that are being requested. However, if the requestor does not know which department retains the records, the requestor shall submit the request to the City Clerk.

4.2 Form and Manner of Request for Public Records

All requests for public records shall be made in writing and delivered in person or by mail to the locations specified in Subsection 4.1 of this policy. The city will provide a public records request form which may be used by those requesting public records. Each department shall have copies of the form available for use by those requesting records. The public records request may be submitted on the form provided by the city, or in another format that complies with the requirements below.

All requests for public records shall provide the following information: (1) the date of the request; (2) the name of the requestor; (3) the full address of the requestor; (4) the telephone number of the requestor; (5) a complete description of the requested record; (6) the title and date of the requested record, if known; (7) the location of the requested record, if known; and (8) whether the requestor wishes to inspect the records, or wants copies of the records.

4.3 Initial response to Request for Public Records

The city shall respond to the request for public records within five (5) business days of receipt of the request. Any request for records received after 5:00 p.m. shall be deemed to have been received on the next business day. Depending upon the nature of the request, the city may respond initially by (1) producing the record - or the disclosable portions of the record - after the payment of applicable fees, if any; (2) acknowledging the city's receipt of the request accompanied by an estimate of the time necessary for further response; (3) denying the request accompanied by an explanation of the basis for the denial; (4) requesting a deposit; or (5) requesting clarification of the request. In the event that the requestor completes the city's standard public records request form, the form itself shall constitute the initial response by the city in accordance with (2) above, and the city shall indicate on the form an estimation of the time necessary for providing disclosable records. In the event that the estimation of time necessary for providing records does not appear on the form, the estimated time for providing disclosable records shall be three (3) weeks.

4.4 Public Records Subject to Disclosure

The city need only disclose records to the extent required or permitted by state or federal law and nothing in this policy shall be interpreted as requiring the disclosure of any record that is not subject to disclosure by state or federal law. Generally, any record, or portion thereof, which is exempt from disclosure, will not be disclosed, and information contained in the records may be removed to the extent necessary or permissible by law. The city will not create records or documents that do not exist at the time the request is made.

4.5 Form of Request

Any records or portions of records disclosed by the city will be provided to the requestor in the same format as they are retained; provided that any disclosable records contained on a computer or other electronic or mechanical device shall, at the discretion of the city, be provided in printed form, on disk, or in another format. If the requestor specifies a format in which the records should be disclosed, the city will disclose the records in the requested format if (1) it is determined that disclosable records exist; (2) the city is capable of providing the

records in the format requested; (3) the format requested is reasonable; (4) the requestor agrees to pay all fees associated with providing records in the format requested; (5) providing the records in the format requested would not be unduly burdensome to the city; and (6) providing the records in the format requested would not result in creating additional records.

4.6 Duplication Fees

The person requesting records shall pay all duplication fees in accordance with the fee schedule as set forth in Resolution 1272 of the City Council of Puyallup, and as thereafter amended. The city shall provide a list of duplication fees upon request.

4.7 Deposit for Duplication of Records

In the event that it is estimated that the duplication or transmission fees applicable to a particular records request exceeds \$25.00, the city, at its discretion, may require the requestor to deposit a sum equal to 10% of the estimated cost prior to duplication of the records. In the event that a deposit is required, the city will notify the requestor of the necessity of the deposit. Any deposit shall be made in accordance with section 4.9 of this policy. In the event that the actual duplication and deposit fees are less than the amount deposited by the requestor, the city will return the sum in excess of the actual amount to the requestor.

4.8 Failure to Pay for Duplicated Records

In the event that a person fails to pay any fees associated with a request for records, the city shall not process copies responsive to a future request for records from the same person until such time as all fees owed for prior records are paid in full. If the City makes a request available on a partial or installment basis, the City may charge for each part of the request as it is provided. If an installment of a records request is not claimed, reviewed, or the copies paid for, the City is not obligated to fulfill the balance of the request.

4.9 Payment of Fees Associated with a Request for Public Records

Payment of duplication and delivery fees shall be made prior to the disclosure of public records. When required pursuant to section 4.7 of this policy, the payment of a deposit shall be made prior to the City duplicating any records. All payments shall be made by cash, money order, or check payable to the City of Puyallup. Payment shall be made in person at the department that retains or provides the records, or by mail to the City Clerk, City of Puyallup, 330 Third Street, Puyallup, Washington 98371.