

PUBLIC UTILITY DISTRICT NO. 1 OF JEFFERSON COUNTY RULES FOR PUBLIC RECORDS REQUESTS

Introduction

Pursuant to its Resolution No. 2015-008 adopted May 19, 2015, the Public Utility District No. 1 of Jefferson County, Washington (hereinafter "the PUD") has adopted the following rules governing the submission and handling of Public Records Requests. These Rules are based upon the "Model Rules" recommended by the Washington State Attorney General, which are promulgated in Chapter 44-14 of the Washington Administrative Code ("WAC").

The "Model Rules" set forth in WAC Chapter 44-14 contain both Rules and Comments. The PUD has not incorporated the "Comments" into the PUD's Rules, but recognizes that the Comments are designed to explain the rationale and basis for the Rules and to provide broader context for legal guidance. The PUD will be guided by the Comments for interpretation purposes.

The PUD's Rules are set forth below and numbered to coincide with the sections in WAC Chapter 44-14. To access the Comments which relate to each of the WAC Model Rules, go online to <http://apps.leg.wa.gov/WAC/default.aspx?cite=44-14>.

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PUD RULES

WAC 44-14-010. Authority and purpose.

(1) The Public Records Act, RCW Chapter 42.56 ("the Act"), requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. The Act defines "public record" to include any "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by the agency. RCW 42.56.070(2) requires each agency to set forth "for informational purposes" every law, in addition to the Act, that exempts or prohibits the disclosure of public records held by that agency.

(2) The purpose of these rules is to establish the procedures that PUD No. 1 of Jefferson County (hereafter "the PUD") will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the PUD and establish processes for both requestors and PUD staff that are designed to best assist members of the public in obtaining such access.

(3) The purpose of the Act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The Act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, the PUD will be guided by the provisions of the Act describing its purposes and interpretation.

WAC 44-14-020 Agency description--Contact information--Public records officer.

(1) The PUD provides water service, sewer service and electric power distribution throughout Jefferson County, Washington. The PUD's central office is located at 310 Four Corners Road, Port Townsend, WA 98368.

(2) Any person wishing to request access to public records of the PUD or seeking assistance in making such a request should contact the public records officer of the PUD:

Principal: Annette Johnson
Alternate: Bill Graham
PUD No. 1 of Jefferson County
310 Four Corners Road
Port Townsend, WA 98368
Telephone: (360) 385-5800
FAX: (360) 385-5945
E-mail: ajohnson@jeffpud.org

Additional information is also available at the PUD's web site at <http://www.jeffpud.org>

(3) The public records officer will oversee compliance with the Act but another PUD staff member may process the request. Therefore, these rules will refer to the public records officer "or designee." The public records officer or designee and the PUD will provide the "fullest assistance" to requestors; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the PUD.

WAC 44-14-030 Availability of public records.

(1) **Hours for inspection of records.** Public records are available for inspection and copying during normal business hours of the PUD (Monday through Friday, 8:45 a.m. to 5:00 p.m., excluding legal holidays). Records must be inspected at the offices of the PUD.

(2) **Records index.** The PUD finds that maintaining an index of the PUD records is unduly burdensome and would interfere with agency operations. The requirement would unduly burden or interfere with PUD operations in the following ways:

(a) The PUD does not presently have the financial resources to pay the extensive costs involved in preparing an index of all the PUD documents.

(b) The PUD staff is sufficiently familiar with the PUD's records that requested documents can usually be promptly located without the need for an index.

(3) **Organization of records.** The PUD will maintain its records in a reasonably organized manner. The PUD will take reasonable actions to protect records from damage and disorganization. A requestor shall not take PUD records from PUD offices without the permission of the public records officer or designee. A variety of records is available on the PUD web site at <http://www.jeffpud.org>. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(4) **Making a request for public records.**

(a) Any person wishing to inspect or copy public records of the PUD should make the request in writing on the PUD's Request Form, or by letter, fax, or e-mail addressed to the public records officer and including the following information:

- (i) Name of requestor;
- (ii) Address of requestor;
- (iii) Other contact information, including telephone number and any e-mail address;
- (iv) Identification of the public records requested, adequate for the public records officer or designee to locate the records; and
- (v) The date and time of day of the request.

(b) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to section 44-14-070(1), standard photocopies will be provided at 15 cents per page.

(c) A form is available for use by requestors at the office of the public records officer and on-line at <http://www.jeffpud.org>.

(d) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

WAC 44-14-040 Processing of public records requests--General.

(1) **Providing "fullest assistance."** The PUD is charged by statute with adopting rules which provide for how it will "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

(2) **Acknowledging receipt of request.** Within five business days of receipt of the request, the public records officer will do one or more of the following:

- (a) Make the records available for inspection or copying;
- (b) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
- (c) Provide a reasonable estimate of when records will be available; or

(d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee may revise the estimate of when records will be available; or

(e) Deny the request.

(3) **Consequences of failure to respond.** If the PUD does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.

(4) **Protecting rights of others.** In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(5) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the PUD believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(6) **Inspection of records.**

(a) Consistent with other demands, the PUD shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy.

(b) The requestor must claim or review the assembled records within thirty days of the PUD's notification to him or her that the records are available for inspection or copying. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the PUD may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(7) **Providing copies of records.** After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

(8) **Providing records in installments.** When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(9) **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will

indicate that the PUD has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(10) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that the PUD has closed the request.

(11) **Later discovered documents.** If, after the PUD has informed the requestor that it has provided all available records, the PUD becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

WAC 44-14-050 Processing of public records requests--Electronic records.

(1) **Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.

(2) **Providing electronic records.** When a requestor requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record. Costs for providing electronic records are governed by WAC 44-14-07003.

(3) **Customized access to data bases.** With the consent of the requestor, the agency may provide customized access under RCW 43.105.280 if the record is not reasonably locatable or not reasonably translatable into the format requested. The (agency) may charge a fee consistent with RCW 43.105.280 for such customized access.

WAC 44-14-060 Exemptions.

(1) The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any other statute exempts or prohibits disclosure. Requestors should be aware that there may be exemptions, outside the Public Records Act, that restrict the availability of some documents held by PUD.

(2) The PUD is prohibited by statute from disclosing lists of individuals for commercial purposes.

WAC 44-14-070 Costs of providing copies of public records.

(1) **Costs for paper copies.** There is no fee for inspecting public records. A requestor may obtain standard 8.5 x 11 inch black and white photocopies for 15 cents per page. Color copies and other non-standard copies will be reproduced for the PUD's actual cost of making such copies. Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The PUD will not charge sales

tax when it makes copies of public records.

(2) **Costs for electronic records.** The cost of electronic copies of records furnished on a CD-ROM shall be the District's actual cost of such media. There shall be no cost for scanning existing District papers, provided the scanned records are e-mailed to a requestor.

(3) **Costs of mailing.** The PUD may also charge actual costs of mailing, including the cost of the shipping container.

(4) **Payment.** Payment may be made by cash, check, or money order to the PUD.

WAC 44-14-080 Review of denials of public records.

(1) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) **Consideration of petition for review.** The public records officer shall promptly provide the petition and any other relevant information to the public records officer's supervisor. That person will immediately consider the petition and either affirm or reverse the denial within two business days following the PUD's receipt of the petition, or within such other time as the PUD and the requestor mutually agree to.

(3) **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.17.340/42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.