



## Public records procedures

### INTRODUCTION

#### Public Records Act

In 1972, the voters in the state of Washington adopted Initiative 276, which required that most records maintained by state, county and city governments be made available to members of the public. The public disclosure statutes have been frequently revised over the past three decades.

The latest revisions of the disclosure statutes are found in [Chapter 42.56 RCW](#), and are referred to as the Public Records Act.

#### Model Rules

In 2005, the state Legislature directed the attorney general to adopt advisory “model rules” for state and local agencies to help them develop their own effective policy. These model rules are now published in the [Washington Administrative Code at Chapter 44-14](#).<sup>1</sup>

The model rules are advisory only and do not bind Chelan County PUD, but the District has reviewed and incorporated applicable provisions of the model rules into these procedures.

### AUTHORITY AND PURPOSE

1. Chelan County PUD will make available for inspection and copying nonexempt public records in accordance with published rules. Public records 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 requires each agency to set forth for informational purposes every law, in addition to the Public Records 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 Chelan County 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 Chelan County PUD and establish processes for both requestors and Chelan County PUD staff that are designed to best help the public in obtaining such access.

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<sup>1</sup> The requirements regarding record retention are set forth in [RCW 40.14](#) and are not impacted by these procedures.

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 Public Records Act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, Chelan County PUD will be guided by the provisions of the act describing its purposes and interpretation.
4. At the same time, Chelan County PUD must protect public records from damage and prevent excessive interference with essential functions ([WAC 44.14.01002](#)).

#### **AGENCY DESCRIPTION--CONTACT INFORMATION--PUBLIC RECORDS OFFICER**

1. Chelan County PUD's headquarters is at 327 N. Wenatchee Ave, Wenatchee, Wash., 98801. Chelan County PUD has field offices at 1034 E. Woodin Avenue, Chelan, Wash. 98816, and 222 Chumstick Highway, Leavenworth, Wash. 98826.
2. Any person wishing to request access to public records of Chelan County PUD or seeking assistance in making such a request should contact the public records officer for Chelan County PUD:

Kimberlee Craig  
Public Information Officer  
Chelan County PUD  
327 N. Wenatchee Ave.  
(509) 661-4320 office  
(509) 661-8117 fax  
[kimberlee.craig@chelanpud.org](mailto:kimberlee.craig@chelanpud.org)

Information is also available at the Chelan County PUD's Web site, [www.chelanpud.org](http://www.chelanpud.org).

3. The public records officer will oversee compliance with the act, but another Chelan County 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 Chelan County PUD will provide the fullest assistance to requestors, ensure that public records are protected from damage or disorganization, and fulfill public records requests while maintaining essential functions of Chelan County PUD.
4. More information on public records and the Public Records Act is available:
  - a. Washington State Legislature, [www1.leg.wa.gov/legislature](http://www1.leg.wa.gov/legislature)
  - b. Washington State Attorney General, [www.atg.wa.gov](http://www.atg.wa.gov)  
1125 Washington Street, SE  
P.O. Box 40100  
Olympia, WA 98504-0100  
(360) 753-6200
  - c. Municipal Research and Services Center of Washington, [www.mrsc.org](http://www.mrsc.org)

## WHAT IS A PUBLIC RECORD?

1. [Revised Code of Washington 42.56.010](#) defines a public record as “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 any state or local agency regardless of physical form or characteristics.”
2. Writing is defined as “handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.”

## AVAILABILITY OF PUBLIC RECORDS

1. Public records are available for inspection and copying during normal business hours of Chelan County PUD, (Monday through Friday, 8 a.m. to 5 p.m., excluding legal holidays). Records must be inspected at the offices of Chelan County PUD.
2. Chelan County PUD commissioners have determined, in accordance with the applicable statute, that maintaining an index is unduly burdensome and would interfere with agency operations (Chelan County PUD Resolution No. 02-11982).
3. Chelan County PUD will maintain its public records in a reasonably organized manner and will take reasonable actions to protect records from damage and disorganization. A requestor shall not take Chelan County PUD records from PUD offices without the permission of the public records officer or designee.
4. Any person wishing to inspect or copy public records of Chelan County PUD should make the request in writing on the Chelan County PUD’s [request form](#), or by letter, fax, phone or [e-mail addressed to the public records officer](#) and including the following information:
  - a. Name
  - b. Address
  - c. Telephone number
  - d. E-mail address
  - e. Identification of the public records adequate for the public records officer or designee to locate the records
  - f. The date of the request
5. Chelan County PUD is prohibited from providing a list of individuals for commercial use pursuant to [RCW 42.56.070](#). If requesting a list of individuals, the requestor must complete a [public records request form](#) and affirm that the request is not for commercial use.

6. 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 **COSTS OF PROVIDING COPIES OF PUBLIC RECORDS**, standard photocopies will be provided at 15 cents per page.
7. A form is available for use by requestors at the office of the public records officer and online at <http://www.chelanpud.org/public-records-requests.html>.

#### **PROCESSING OF PUBLIC RECORDS REQUESTS--GENERAL**

1. These procedures have been adopted by Chelan County PUD to provide full access to public records, prevent excessive interference with other essential functions of the agency 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. 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; or
  - 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; or
  - 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. If Chelan County 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. 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. Some records are exempt from disclosure, in whole or in part. If the Chelan County 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:

- a. Redact the exempt portions, and
- b. Provide the nonexempt portions, and
- c. Indicate to the requestor why portions of the record are being redacted.

6. Inspection of records

- a. Consistent with other demands, and uses of resources and time, Chelan County PUD shall promptly provide space for the requesting party to inspect public records. The requestor shall indicate which documents he or she wishes Chelan County PUD to copy.
- b. The requestor must claim or review the assembled records within thirty (30) days of Chelan County PUD's notification to him or her that the records are available for inspection. The agency will notify the requestor in writing of this requirement and inform the requestor that they should contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails claim or review the records within the 30-day period or make other arrangements, the Chelan County PUD may close the request.

7. After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.
8. 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 30 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. 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 Chelan County PUD has completed a diligent search for the requested records and made any located non-exempt records available for inspection.
10. 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 Chelan County PUD has closed the request.
11. Chelan County PUD has no obligation to search for records related to a closed request ([WAC 44.14.04007](#)).

## 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 other exemptions, outside the Public Records Act, restrict the availability of some documents held by Chelan County PUD for inspection and copying.
2. Examples of records exempt from public inspection and copying include, but are not limited to:
  - a. Records that are protected by trade secrets law ([RCW 19.108](#));
  - b. Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss ([RCW 42.56.270\(1\)](#));
  - c. Residential customers' phone numbers, addresses, Social Security numbers and financial information such as credit card numbers and checking account numbers ([RCW 42.56.330\(2\)](#));
  - d. Personal information in files maintained for board members and District employees to the extent that disclosure would violate their right to privacy, including but not limited to addresses, phone numbers, Social Security numbers, voluntary deductions, marriage status, number of dependents, and any garnishment deductions ([RCW 42.56.230](#));
  - e. Preliminary drafts, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the board in connection with any board action ([RCW 42.56.280](#));
  - f. All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant ([RCW 42.56.250\(2\)](#));
  - g. The residential addresses and telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers ([RCW 42.56.250\(3\)](#)); or
  - h. Critical energy infrastructure information ([RCW 42.56.420](#) and [18 CFR § 388](#))
3. Chelan County PUD is prohibited by statute from disclosing lists of individuals for commercial purposes ([RCW 42.56.070](#)). Chelan County PUD will require a requestor to sign a declaration that he or she will not use a list of individuals in the record for a commercial purpose.

## COSTS OF PROVIDING COPIES OF PUBLIC RECORDS

1. There is no fee for inspecting public records.
2. There is no fee for documents e-mailed to the requestor in PDF or other electronic format.

3. Fees for paper copies:
  - a. The first 100, 8.5x11-inch photocopies in a calendar month are at no charge.
  - b. Additional copies within the same calendar month are 15 cents per page.
  - c. There is a \$2 charge for documents provided on CD- or DVD-ROM.
4. Before beginning to make copies, the public records officer or designee may require a deposit of up to ten (10) 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. Chelan County PUD will not charge sales tax when it makes copies of public records.
5. Payment may be made by cash, check or money order to Chelan County PUD.

#### **REVIEW OF DENIALS OF PUBLIC RECORDS**

1. 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. The public records officer shall promptly provide the petition and any other relevant information to the public records officer's supervisor or PUD's chief compliance officer to conduct the review. That person will immediately consider the petition and either affirm or reverse the denial within two (2) business days following Chelan County PUD's receipt of the petition, or within such other time as Chelan County PUD and the requestor mutually agree.
3. Any person may obtain court review of denials of public records request pursuant to [RCW 42.56.570](#) at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.