

## **PUBLIC RECORDS REQUESTS**

It is the policy of the Prosser School District, (the “School District”) to release records of the School District in compliance with the Public Records Act (the “Act”), set forth at Chapter 42.56 RCW, and any other applicable provisions of federal or state law.

### **I. OVERVIEW OF THE PUBLIC RECORDS ACT**

#### **A. Purposes of the Policy**

The purposes of this policy are to: (1) describe the organization of the School District; and (2) comply with 42.56 RCW, the Public Records Act. Except where these guidelines are mandated by statute, the guidelines in this policy are discretionary and advisory only and shall not impose any affirmative duty on the School District. The School District reserves the right to apply and interpret this policy as it sees fit, and to revise or change the policy at any time.

This policy shall be available at the School District and posted on the School District’s website.

#### **B. Definitions**

1. “Act” refers to the Public Records Act, at Chapter 42.56 RCW.
2. “School District” refers to the Prosser School District 116.
3. “Policy” refers to this policy for the Public Records Act.
4. “Public Records Officer” is the person identified in Section II.A.1 of this Policy.
5. “Records Request” means a request for Public Records made to the School District pursuant to the Act.
6. “Requester” means the person or entity that has made a Records Request to the School District.
7. “Public Record” means any writing, regardless of physical form or characteristics, relating to the conduct of government, prepared, owned, used or retained by the School District.

#### **C. Organization of the School District**

The School District offices are located at:

1126 Meade Avenue, Suite A  
Prosser, WA 99350  
Tel. 509.786.3323  
Fax. 509.786.2062

All Record Requests shall be inspected at the School District. The office is open 8:00 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

The School District provides the full range of school district services.  
The School District is managed by a superintendent.

## II. GUIDELINES

### A. Public Records Request

#### 1. Public Records Officer.

The School District's Public Records Officer for all requests for School District records is the Superintendent. All requests must be directed to the Public Records Officer. The Public Records Officer may be contacted in person at the School District, via first class mail addressed to the Public Records Officer at the School District, or via email at [ray.tolcacher@prosserschools.org](mailto:ray.tolcacher@prosserschools.org).

#### 2. How to Make a Public Records Request.

Public records may be inspected or copies of Public Records may be obtained by the public at the School District upon compliance with the following procedures:

- (a) All requests must be directed to the Public Records Officer. The School District encourages that all requests be made in writing. A request form, prescribed by the School District, is available at the School District and on the School District website. It may be mailed, emailed or delivered in person to the Public Records Officer. In-person requests must be made during the School District's normal business hours. The request should include the following information:
  - (i) The name and address of the Requester;
  - (ii) The date of the request;
  - (iii) A detailed description of the public record being requested;
  - (iv) A statement regarding whether the records are being requested for a commercial purpose; and
  - (v) Signature of the Requester.
- (b) When a Records Request is made orally, the School District should confirm the request in writing in its initial 5-day response. Any such request must be made during the School District's normal business hours.

### B. Procedure for Response to Request

Only Public Records as defined by RCW 42.56.010 are subject to disclosure.

1. **Response.** The School District shall respond promptly to a Records Request. Within five business days of receiving a Records Request, the School District shall respond by:
  - (a) Notifying the Requester that the documents are available; or
  - (b) Acknowledging the request in writing and providing a reasonable estimate of the time the School District will require to respond to the request;
  - (c) Seek clarification from the Requester; or
  - (d) Denying the Records Request.

2. **Large Requests.** When a Records Request is for a large volume of records, the School District may elect to provide records on an installment basis. If a Requester does not contact the Public Records Officer to arrange for the review of the first or subsequent installments within 15 days of notice of review, the School District may deem the request abandoned and stop fulfilling the remainder of the request and notify the requestor in writing of such action. The School District may fulfill smaller requests received after a large request prior to fulfilling the large request.
3. **Notice to Third Parties.** If a public record contains personal information that identifies an individual or organization other than the subject of the requested public record, the School District may notify that individual or organization to allow the third party to seek relief pursuant to RCW 42.56.540. The School District may take this into account when providing an estimate for when the records will be available. The School District should also review any contracts with third parties that may contain special notice provisions. Nothing in this policy is intended to create any right to such notice.
4. **Reference to Internet.** The School District may fulfill requests by providing a link to documents contained on the School District's public website.

**C. Exemptions**

1. **Exemptions.** After the School District has gathered responsive records, the School District shall determine whether an exemption applies to all or part of the record. The School District need not make available for inspection and copying Public Records exempt from public inspection and copying under Chapter 42.56 RCW and other records exempt from public inspection and copying under state or federal statute or regulation, including but not limited to:
  - (a) Records that are protected by trade secrets law;
  - (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;
  - (c) Personal information in files maintained for board members and School 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;
  - (d) 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;
  - (e) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;

- (f) 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; or
- (g) Any record which is exempt from disclosure under state or federal law.
- (h) A listing of other statutory exemptions is attached to this policy and incorporated herein. (Attachment "A")

**D. Copying Public Records**

No fee shall be charged for the inspection of Public Records.

1. **Copies.** The School District will charge one or more of the following charges for copies:
  - (a) Fifteen cents per page for standard black-and-white copies;
  - (b) Ten cents per page for any paper documents that are scanned so they can be produced in electronic format.
  - (c) The actual cost of copying for any non-standard copies or items.
  - (d) Cost of fees actually charged by any third-party vendor used to make copies; and
  - (e) Postage and shipping costs, including the cost of any containers used in shipping.

The Public Records Officer may elect to waive these fees. Fees will be waived when the expense of billing exceeds the cost of copying and postage.

2. **Electronic Copies.** The School District has no duty to scan paper copies of records into electronic documents. If the School District elects to do so, however, it may charge for staff time spent making the electronic copies and other costs actually incurred in reproducing the records.
3. **Deposits.** Before copying any record, the School District may charge a deposit up to 10% of the estimated costs. When records are being produced on an installment basis, the School District may charge for each installment. The decision not to request a deposit shall not serve to waive the School District's right to request a deposit for a future request. If an installment is not claimed and paid for within 15 days of notice of review, the School District is not obligated to fulfill the balance of the Records Request.

**E. Inspection of Records**

1. **Notice of Review.** Once the Public Records Officer has collected all responsive records (or the first installment if the records are being produced on an installment basis), has reviewed the responsive records to remove exempt records, and has prepared an exemption log, the Public Records Officer shall notify the Requester that the records are available.
2. **Response by Requester.** If the Requester does not contact the Public Records Officer to arrange for payment of the copies or for review of the records within 15 days after the Notice of Availability Letter was sent, the School District may consider the Records Request abandoned, unless the Requester seeks an additional amount of time to review the records.

3. **Protection of Records.** In order that Public Records maintained on the premises of the School District may be protected from damage or disorganization as required by the Act, the following procedures and practices are hereby instituted:
  - (a) No Public Records shall be removed from the School District without the Public Records Officer's permission;
  - (b) Inspection of any Public Records shall be conducted in the presence of the Public Records Officer or designated staff unless otherwise agreed to by the Public Records Officer;
  - (c) No public record may be marked, defaced, torn, damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public;
  - (d) Public records maintained in a file jacket or binders, or in chronological order, may not be dismantled except for the purpose of copying, and then only by School District staff; and
  - (e) Public records of the School District may be copied only on the copying machines of the District unless other arrangements are made by the Public Records Officer.
4. **Loss of Right to Inspect.** Inspection shall be denied and the records withdrawn by the Public Records Officer if the Requester, when reviewing records, acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of the School District.
5. **Closing the File.** Once all copies of the requested records have been provided to the Requester for review, or 45 days have passed since the Requester was notified that the records were available with no response, the Public Records Officer will send a letter to the Requester documenting that the request has been closed.

**F. Index of Public Records.**

The Public Records Officer shall be responsible for the preparation, maintenance and availability for inspection and copying by the public of current indexes of the following records:

1. Indexes of district policies;
2. Indexes of district collective bargaining agreements;
3. Indexes of board minutes.

The indexes described above shall be kept at the district's central office.

If the Public Records Officer determines that the indexing of one or more of the categories of records described above or one or more of the subcategories within such categories would be unduly burdensome or interfere with district operations, the Public Records Officer shall request that the board adopt a formal resolution exempting such categories or subcategories from the indexing required by this section.

**G. Disclaimer of Liability**

Neither the School District nor any officer, employee, official or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon a release of Public Records if the person releasing the records acted in good faith in attempting to comply with this policy.

This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Despite the use of any mandatory terms such as “shall,” nothing in this policy is intended to impose mandatory duties on the School District beyond those imposed by state and federal law.

**H. Protection of Public Records and Resources**

The School District has very limited resources. The School District adopts the following reasonable procedure to ensure that the School District’s mandate to provide full public access to public records does not excessively interfere with other essential School District functions:

- (a) Public record requests will generally be handled on a first-come, firstserve basis. However, the Public Records Officer may fulfill smaller requests received after a large request prior to fulfilling the large request.
- (b) To prevent excessive interference with the essential School District functions, the Public Records Officer will designate a specific amount of time per week to work on public records requests.
- (c) In response to large public records requests, the Public Records Officer will provide records in batches whenever possible in order to expedite the request.

**J. References**

Cross Reference:	Board Policy	3231	Student Privacy
Legal Reference:	RCW	Ch. 42.17	Disclosure—Campaign—Finance—
		Ch. 42.56	Lobbying—Records
Management	<i>Policy News</i>	June 2006	Public Records Act
Resources:		October 2005	Public Records Act
			Public Disclosure

**Adoption Date: January 5, 2010**