

RESOLUTION NO. 2023-015

RESOLUTION RESCINDING RESOLUTION NO. 2017-114 AND ADOPTING  
A NEW PUBLIC RECORDS POLICY AND PROCEDURES

**WHEREAS**, the Public Records Act (Chapter 45.56 RCW) requires counties to respond to requests for public records; and;

**WHEREAS**, the Public Records Officer has developed updated policy and procedure guidelines; and

**WHEREAS**, Washington State now allows collection of fees for bodycam and dashcam video and audio redaction; and

**WHEREAS**, the Public Records Department completed a comparative time and cost study to establish guidelines for an updated fee schedule;

**NOW, THEREFORE, BE IT RESOLVED** by the Grays Harbor County Board of Commissioners that Resolution No. 2017-114 is rescinded, and the new Grays Harbor County Public Records Policy and Procedures (attached hereto) are adopted and effective the date of approval.

**ADOPTED THIS** 28th day of February, 2023.


BOARD OF COUNTY COMMISSIONERS  
FOR GRAYS HARBOR COUNTY

  
Jill Warne, Chair

  
Kevin Pine, Commissioner

  
Vickie Raines, Commissioner

ATTEST:

  
Clerk of the Board

Attachment:  
Public Records Policy and Procedure

# Grays Harbor County Public Records Policy & Procedures

## 1. PURPOSE OF THESE PROCEDURES

To establish uniform policy and procedures (“PRPP”) by which Grays Harbor County (hereinafter “GHC”) implements the provisions of the Washington State Public Records Act (Chapter 42.56 RCW). This document is to be used as a guideline for consistency and training purposes. Please direct questions or concerns about this PRPP to the Grays Harbor County Public Records Officer.

To provide full access to public records, and provide information to persons wishing to request access to Grays Harbor County’s public records without discrimination to requesters and shall provide appropriate safeguards for information exempted from or prohibited from disclosure by statute.

To establish processes for both requesters and GHC staff to assist members of the public in accessing public records.

## 2. SCOPE

These procedures apply to all county departments with the exception of District Court, Superior Court, Juvenile Court or the Clerk’s Office (see WA Court Rules GR 31.1, hereafter “GR”). Nothing in these procedures may be construed to create duties on the courts or other entities that are not “agencies” as defined by the Public Records Act, and other applicable law.

## 3. DEFINITIONS

### a. The Public Records Act RCW 42.56 “PRA”

- i. The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created. This chapter shall be liberally construed and its exemptions narrowly construed to promote this public policy and to assure that the public interest will be fully protected. In the event of conflict between the provisions of this chapter and any other act, the provisions of this chapter shall govern.

### b. County

- i. All elective offices, departments, divisions, boards, commissions or other local public entities/agencies within GHC governmental structure to which the Public Records Act (hereafter “PRA”) applies, including advisory groups comprised of volunteers appointed to make recommendations to elected officials. If an entity is not defined as an “agency” under the PRA and other applicable law, such as a court, that entity is not a county agency subject to this procedure.

c. Court record request

- i. Any request for Grays Harbor County Superior Court of Grays Harbor County District Court records. Requests for court records are to be referred to either the County Superior or District Court under General Rule 31.1.

d. Exempt Information

- i. Any information that may be redacted or is not subject to disclosure pursuant to the PRA, Protected Personal Information, HIPAA, or any other law that limits disclosure.

e. Public Record

- i. As defined in RCW 42.56, a public record that: includes 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. For purposes of this procedure, public record does not include court records.

f. Public Records Officer

- i. Public Records Officer (hereafter “PRO”) is the person appointed by the Board of County Commissioners to oversee the Public Records Department. The PRO shall ensure the county’s compliance with the PRA and shall serve as the point of contact for members of the public in requesting records from county departments.

g. Public Records Assistant

- i. The Public Records Assistant (hereinafter “Assistant”) duties include responding to requests assigned to them by the PRO. Any questions or concerns regarding records requests should be directed to the PRO.

h. Public Records Liaison

- i. Each Elected Official’s office and appointed department will appoint a Public Records Coordinator (hereafter “Liaison”) whose duties shall include (but not be limited to) providing timely responsive records to the



designated public records folder, tracking their time responding to record requests directed to their department. Liaisons may also be requested to perform email searches and acquire their department's employee declarations. It is required that each department shall designate at least one Liaison and one backup Liaison. Each department will inform the Public Records Officer of all Liaisons and designated backups. If none is provided the Elected Official or Department Administrator will be the Liaison. Any questions or concerns regarding requests should be directed to the PRO.

i. Record holder

i. The department or particular staff person in custody of a primary record.

j. Redact

i. To remove confidential or protected information from a record before releasing the record in a response to a records request.

k. Requester

i. The individual making the request for public records by submitting a public records request.

#### **4. GENERAL**

- a. Public records maintained by Grays Harbor County are and remain the property of the county. It is the policy of Grays Harbor County to provide access to public records in accordance with the requirements of Chapter 42.56 RCW. Procedures governing access to public records shall ensure access to public records without discrimination to requesters and shall provide appropriate safeguards for information exempted from or prohibited from disclosure by statute.
- b. In order to fully assist the public in requesting public records, the county shall encourage the use of available electronic resources whenever possible for accessing, requesting, and fulfilling record requests, including use of email and provision of documentation on the county's website.

#### **5. HOW TO MAKE A PUBLIC RECORDS REQUEST**

To request access to a GHC public record:

- a. All requests should be directed to GHC's Public Records Department.
- b. The county encourages that all requests be made using the online portal on the Public Records page of the GHC website. A request form is also available for printing on the same page. Requesters are not required to fill out a form, an email

is considered a request as well. Requesters should include the following information:

- i. Name and address of requester;
- ii. The date of the request;
- iii. Other contact information, including telephone number and any email address;
- iv. A detailed description of the public record being requested, including name, timeframe, parcel number or case number, etc.;
- v. Whether the requester wants copies, or wants to inspect the requested public records;
- vi. In-person requests must be made during the normal business hours of the county or directed to the Public Records Department email ([publicrecords@graysharbor.us](mailto:publicrecords@graysharbor.us)).

## **6. PROCEDURES FOR HANDLING RECORD REQUESTS**

- a. Requests for public records may be made using the online portal on the Public Records page of the GHC website. The county shall provide an official form for submission of public records requests which will be created by the Public Record Officer. These forms shall not be edited for distribution without the approval of the Public Records Officer. This is the preferred method of making a public records request.
- b. Any employee who receives a public records request shall immediately forward the request to their Liaison or to the Public Records Department within 24 hours of receiving the request. This does not waive the requester's requirement that all requests shall be directed to the Public Records Department.
- c. The success of our Public Records Department depends upon sincere, constant, and cooperative effort at all levels of management, participation of all elected and appointed officials, department heads, managers, supervisors, employees, and volunteers. Consequently, the BOCC expects the full support of all elected and appoint officers, department heads, managers, supervisors, employees, and volunteers for cooperating with public record requests. This includes searching for and providing responsive records within their department, tracking their time for responding to record requests, and communicating with the Public Records Department. Departments may be held responsible for any associated penalties or court costs associated with a Public Records Act violation where the department willfully failed to cooperate with the Public Records Department.
- d. All public records requests shall be tracked with the use of a documentation log or other method of tracking system.
- e. All correspondence and requests for clarifications shall be made by the Public Records Department. Department Liaisons may not contact the requester directly.



- f. The PRO should seek legal assistance from the civil division of the Prosecuting Attorney's Office or designee when there are legal questions related to a records request.
- g. The Public Record Department shall acknowledge receipt of record requests. Within five business days of receipt of the records request, the PRO or Assistant will send an initial five-day response to the requester as required by RCW 42.56.520. The initial response will do one or more of the following:
  - i. Make the public records available for inspection or copying;
  - ii. 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 requester;
  - iii. Provide a reasonable estimate of when records will be available;
  - iv. If the records request is unclear or does not sufficiently identify the requested public records, then the assigned Assistant should seek clarification. Such clarification may be requested and provided by telephone but must be confirmed in writing by the Assistant either in email or letter. The Assistant may revise the estimate of when public records will be available when clarification is requested;
  - v. If no public records exist responsive to the records request, then inform the requester.
  - vi. If the county does not respond in writing within five business days of receipt of the records request, the requester should contact the PRO directly to determine the reason for the failure to respond and make sure the county is aware that a request was submitted.
  - vii. In the event that the requested public records contain information that may affect rights of others, the PRO may, prior to providing the records, notify the other affected individuals. The PRO should review any contracts with third parties that may contain special notice provisions. The notice to the affected persons should include a copy of the records request.
- h. The PRO or Assistant shall make any requested copies or arrange for copying after any charges are paid.
- i. When a records request is for a large number of public records, the PRO or Assistant may provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to do so.
- j. Many county records are available at no cost on GHC's website. Requesters are encouraged to view the documents available on the web site prior to submitting a records request.

## **7. IN-PERSON INSPECTION OF PUBLIC RECORDS**

- a. Public records shall be inspected at the county department that retains the public records requested unless a different location is selected by the PRO.
- b. The requester shall schedule an appointment for inspection through the PRO.

- c. The PRO shall be present during the inspection of records.
- d. All inspections of public records will occur during regular business hours of the county department that holds the records in question.
- e. No member of the public may remove a document from the viewing area or disassemble or alter any original document. The requester shall indicate which documents he or she wishes the county to copy.
- f. The requester must claim or review the assembled public records within 30 calendar days of notification to him or her that the public records are available for inspection or copying. If they fail to do so, then the request will be considered abandoned and closed.

## **8. MULTIPLE REQUESTS BY THE SAME PARTY**

- a. When the same requester submits additional requests when previous requests are open, staff may queue the requests in the order in which they were received after the requester has three open requests. The county is not required to work on an additional request until the initial requests are completed and closed.

## **9. RECORDS EXEMPT FROM DISCLOSURE**

- a. If a public record contains information that is exempt from disclosure and should be withheld, the PRO or Assistant will prepare an exemption log.
- b. The explanation should provide enough information for a requester to make a threshold determination of whether the claimed exemption is proper.
- c. If only a portion of a public record is exempt from disclosure, but the remainder is not exempt, the PRO or Assistant will redact the exempt portions, provide the non-exempt portions, and indicate to the requester on an exemption log why portions of the public record are being redacted and note the specific statutory authority.
- d. The county reserves the right to assert any exemptions that are permitted by law when the county determines non-disclosure serves the public interest. See Attachment A.
- e. If the requester is entitled to minimal or no redactions based upon their relationship to the content of the records, a declaration will be sent to the requester along with correspondence requesting the declaration to be filled out in order to determine what records the requester may be entitled to and what redactions may or may not be applicable. See Attachment B for declaration.

## **10. CLOSING WITHDRAWN OR ABANDONED RECORDS REQUESTS**

- a. When the requester either withdraws the records request or fails to fulfill his or her obligations to inspect the public records or pay the deposit or pay for an installment, the PRO or Assistant will close the records request after 15 days of



failure to comply/pay. The PRO or Assistant may close the request immediately upon withdrawal of the request from the requester.

- b. The PRO or Assistant should also communicate with the department Liaison when a request is closed, withdrawn, or abandoned.

## **11. LATER DISCOVERED DOCUMENTS**

- a. If, after the records request has been closed, the PRO, Assistant, or Liaison becomes aware of additional public records that existed at the time of the records request; these public records will be provided to the requester on an expedited basis.

## **12. HANDLING ELECTRONIC RECORD REQUESTS**

- a. If a requester requests a copy in electronic format, the records may be provided by email, BrickFTP, CD, flashdrive, or external hard drive depending on the size of the requested documents. The cost of the CD, flashdrive, or hard drive will be passed on to the requester.
- b. If the requester lacks the necessary software to review the public record in electronic format, the county may provide paper copies for review. Charges will apply for paper copies if they are over the charging threshold.

## **13. RETURNED EMAIL**

- a. If the county's emailed response is returned to the county by the requester's email server, the response will then be filled by regular mail if the requester has provided their name and address.
- b. If no mailing address has been provided. The county will attempt to contact the requester by phone.
- c. If no other contact information was provided, the records request will be considered closed.

## **14. ELECTRONIC PUBLIC RECORDS CONTAINING NO EXEMPT INFORMATION**

- a. Electronic public records that do not contain exempt information should be produced in electronic format if requested and the county has the capacity to feasibly provide the public records electronically.

## **15. ELECTRONIC PUBLIC RECORDS CONTAINING EXEMPT INFORMATION**

- a. When a public record contains exempt information, the exempt information shall be redacted before the public record is produced.



- b. An exemption log will be included with the exempted documents.
- c. GHC does not have the obligation to convert an electronic public record to a digital format that is different than the format maintained by the county, or the original public record. This type of conversion or customization of a public record creates a new public record.
- d. Custom electronic products may be used at the discretion of the county for efficiency purposes in responding to public records requests.

## 16. RECORD RETENTION

- a. Public records must not be destroyed if they are subject to an existing public records request, regardless if these public records are subject to destruction in accordance with the Secretary of State's record retention schedule. Record requests shall be retained for a minimum of one year after the public records request was fulfilled and in accordance with the Washington State record retention schedule.
- b. Paper copies need not be kept in their original format and may be scanned and stored electronically.
- c. The records to be maintained shall consist of all correspondence between the county and the requester, a "clean" copy of all records that were located in response to the request; a "clean" copy of all records that were disseminated (if different); and a copy of the final disclosure, including all redactions.
- d. All internal correspondence related to record requests should also be retained per the Secretary of State's schedule.
- e. County departments must take reasonable actions to protect records from damage and disorganization. A requester shall not take original county records from any county office.
- f. Local government record retention schedules are available at: [local-giverment-common-records-retention-schedule-core-v.4.2-\(august-2021\).pdf](#)

## 17. COSTS FOR PUBLIC RECORDS

- a. The current lists of fees are posted on the county's web site and follow RCW 42.56.120. All fees are subject to change at any time without notice. There is no fee for inspecting public records.
- b. The county *may*:
  - i. Require a deposit of up to ten percent of estimated cost before making copies;
  - ii. Provide copies in installments;
  - iii. Require advance payment before providing any installments; and
  - iv. Require a deposit for requests that are copied by a commercial vendor based on the estimated cost before copying.
- c. For redaction of bodycam and dashcam audio/video:

- i. An estimated cost of redaction shall be given to the requester. The cost will be calculated by multiplying the hourly rate of pay for the reviewing Public Records staff by one of the following:
  1. 10 minutes per 1 minute of video redaction;
    - a.  $Estimated\ cost = \left( \frac{10 \times \text{min of video}}{60} \right) \times \text{hourly rate}$
  2. 5 minutes per 1 minute of audio-only redaction.
    - a.  $Estimated\ cost = \left( \frac{5 \times \text{min of video}}{60} \right) \times \text{hourly rate}$
- ii. Videos will be rounded up to the next whole minute for calculations.
- iii. A ten percent deposit is required before Public Records staff will begin redactions.
- iv. The remaining balance of actual time spent will be required before releasing records.
- v. Records may be released without fees to requesters entitled to copies as allowed by RCW 42.56.240.

## **18. WAIVER OF CHARGES**

- a. For administrative convenience and efficiency purposes, GHC has the discretion to waive copy charges for records requests valued at one dollar or less.

## **19. ADMINISTRATIVE REVIEW OF RECORDS DENIED**

- a. Any person who objects to the initial or partial denial of a records request may petition in writing the PRO for a review of the denial. The request for review should identify the record(s) or part of the record(s) being denied/exempted.
- b. The PRO shall promptly forward the request for review to the appropriate party in the Prosecutor's Office for the review.
- c. The Prosecutor's Office will have a response to the review within 10 business days.
- d. Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550.

## **20. TRAINING**

- a. It is recommended that the PRO, Assistant(s), and Liaison(s) will receive regular training applicable to the PRA. The PRO shall (under the advisement and guidance of the Prosecutor's Office) conduct or assign trainings related to public records, distribute updates on laws, legal precedents, policy changes affecting fulfillment of records requests, and create and/or approve all forms for requesting and responding to records requests.
- b. It is recommended that the PRO, Assistant(s), and Liaison(s) obtain certification from WAPRO.



## **21. DISCLAIMER OF LIABILITY**

- a. No Public Records Officer, Assistant, Liaison, employee, official or records 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 these procedures.
- b. These procedures are 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 these procedures are intended to impose mandatory duties on the county or its agencies beyond those imposed by state and federal law.

## **22. LITIGATION**

- a. If a PRA lawsuit is filed against the county, the PRO will coordinate with the Prosecuting Attorney’s Office or designee.
- b. The PRO should consult with the Risk Manager and the Prosecuting Attorney’s Office or designee regarding litigation holds.