

Public Records Disclosure Policy



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1.0 Purpose & Policy

1.1 General Purpose

The purpose of this Policy is to establish Districtwide policies, procedures, and guidelines to provide full public access to public records, provide for the fullest assistance to requestors, and ensure timely action on requests for records while preventing excessive interference with other essential functions of Lewis County Public Utility District #1, and protecting records from damage or disorganization. Public records subject to this policy are property of Lewis County Public Utility District.

It is the policy of Lewis County Public Utility District to provide access to public records in accordance with the requirements of Chapter 42.56 RCW. Procedures and supporting documents governing access to public records shall ensure access to public records without discrimination and shall provide appropriate safeguards for information exempted or prohibited from disclosure by statute.

These policies and procedures include statutory requirements and best practices. Nothing in this policy is intended to create legal obligations or rights beyond those obligations and rights created by statute or other binding laws.

1.2 Index of Records

The Public Records Act requires all cities and public agencies to maintain and make available a current index of certain public records. However, the Public Records Act also provides that if maintaining such an index would be unduly burdensome, or would interfere with agency operation, an agency need not maintain such an index but it must issue and publish a formal order specifying the reasons why and the extent to which compliance would be unduly burdensome. Maintaining such an index under RCW 42.56.070(3) is unduly burdensome, costly, and would interfere with agency operations due to the number and complexity of records generated as a result of the wide range of District activities and limited District staff. The District therefore orders that the District shall not maintain a current index of public records based upon the findings set forth herein; provided, that the District shall make available for review or copying any indexes that are maintained for District use to the extent not exempt from review or copying.

1.3 Public Records Officer

The District Records Retention Specialist shall serve as the Public Records Officer of the Lewis County Public Utility District. The District Records Retention Specialist may appoint a designee to fulfill the responsibilities of the Public Records Officer.

The Public Records Officer shall oversee compliance with the Public Records Act throughout the District by serving as a point of contact for District staff and members of the public seeking access to public records; is it intended that every request be reviewed by the Public Records Officer prior to fulfillment. In the interest of providing effective access to public records, the Public Records Officer may delegate the processing of a public records request to another staff member as appropriate.

1.4 Records Exempt from Public Disclosure

The District shall make available for public inspection and copying all public records, unless the record or specific information contained within the record is exempt or prohibited from disclosure by state or federal law. If any record, in whole or in part, is determined to be exempt from disclosure, the District shall provide the requestor with a written statement of the specific exemption authorizing the withholding of the record, in whole or in part, and shall provide a brief explanation of how the exemption applies to the record, or a portion thereof, withheld. The Public Records Act provides that a number of types of records are exempt from public inspection and copying. See RCW 42.56.210 – 630.

Other statutes outside the Public Records Act may also prohibit or exempt disclosure of certain records or information. RCW 42.56.070(1). A current list of other statutes that prohibit or exempt disclosure is maintained outside of this policy. The District's failure to list all possible bases for exemption shall not affect the District's ability to rely on such an exemption.

3.0 Definitions

For the purpose of this policy and in addition to the definitions set forth in RCW 42.56.010 as hereafter amended, the following definitions apply:

Bot Request means a request for public records that the District reasonably believes was automatically generated by a computer program or script.

DoS means a Denial of Service attack, which is an incident with the effect of depriving a user or organization of a resource they would normally expect to have. A DoS attack may take the form of a distributed denial-of-service (DdoS) attack, which is an attempt to make an online service unavailable by overwhelming it with traffic from multiple sources so that genuine users cannot gain access.

Exempt record means records or portions of records that are exempt from public disclosure. Exemptions include those identified in the Public Records Act or in other statutes incorporated by RCW 42.56.070. Exemption from disclosure of a portion of a record does not automatically exempt the remainder of the record from disclosure. Exempt portions of records may be subject to redaction.

Extraordinary Request means a request which involves one or more of the following: exceptionally broad language; substantial, long-term interdepartmental coordination; voluminous quantities of responsive records or data; extensive and detailed legal review; or other significant resource limitations or excessive impacts on essential District functions.

Identifiable record means the record is one in existence at the time the records request is made, and that District staff can reasonably locate.

Lewis County Public Utility District means the Lewis County Public Utility District #1, Chehalis, Washington. The Lewis County Public Utility District is a special purpose utility entity that provides utility services to all of Lewis County and Southern Pierce County, with the exception of the District of Centralia, Washington.

Public Disclosure Web Portal. The District’s public disclosure web portal, known as GovQA, includes: (a) a web portal for submitting, tracking, processing, and providing responses to public disclosure requests; (b) information and links to District websites containing frequently requested public records and public records related to current issues; (c) information on the appeals process; (d) a reference to the Code Revisers list of exemptions from disclosure; and (e) a copy of the District’s fee schedule for copies and delivery of public records.

Public record means 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. Electronic data, including email, that meet this definition shall be considered a public record. Records created or received by employees using non-District devices only meet the definition of public record if the employee was acting within the scope of employment when the record was created or received.

Public records request means a request made to the Lewis County Public Utility District pursuant to the Public Records Act for disclosure of public records. Requests for public records made pursuant to other statutory rights of access to public records shall not be considered “public records requests” but may be otherwise handled under this policy.

Public Records Officer means the District Records Retention Specialist or designee.

Requestor means the individual making the request for public records by submitting an official public records request.

4.0 Procedure

4.1 Records subject to disclosure.

The District need only disclose records or portions of records to the extent required by the Public Records Act, and nothing in these policies and procedures shall be interpreted as requiring the disclosure of any record that is not subject to disclosure by the Public Records Act or other applicable law. Records or portions of records may be withheld or redacted to the extent necessary or permissible by law. The District shall not be required to create records or documents in response to a request for public records that do not exist at the time the request is made. A public records request is not continuing in nature, and will not be treated as such even if requested. In the event additional records are created after the date of the requestor’s original public records request, the requestor will be required to submit a new request for the later created records.

4.2 Form and manner of request for public records.

General Records Requests - Any person requesting access to general public records or seeking assistance in making such a request must contact the Public Records Officer located at:

In person: 321 NW Pacific Avenue, Chehalis, WA 98532
By mail: PO Box 330, Chehalis, WA 98532
By email: records@lcpud.org
By phone: 360-345-1605

Records requests may be accepted by any customer service staff person under the general direction of the Public Records Officer. Such requests shall be receipt stamped or dated on the face of the request and forwarded to the Public Records Officer.

For purposes of ensuring accuracy and efficiency in filling records requests, the District prefers that requests for public records be made online through the GovQA Web Portal. Although requestors who have the means to do so are strongly encouraged to use the web portal to make request, a requestor may also submit a request in writing and deliver in person, by mail, or email. The District will provide a public records request form that may be used by those requesting public records. The public records request may be submitted on the form provided (Exhibit C) by the District or in another written format. The following information will assist the District in efficiently processing and filling the records request:

- The date of the request;
- The name of the requestor;
- The full address of the requestor;
- The full email address of the requestor;
- The telephone number of the requestor;
- A complete description of the requested record;
- The title and date of the requested record, if known;
- The location of the requested record, if known; and
- Whether the requestor intends to review the records or obtain a copy of the records.

If the requestor chooses to not provide the District with any contact information, the District will prepare a response that is consistent with these policies and procedures. If a five-day letter is necessary, the District shall have it ready for the requestor to collect at the District's Chehalis office on the fifth business day, unless the requestor provides sufficient contact information to the District. If a five-day letter or responsive records prepared within five days of the request are not picked up by the requestor within 30 days of the date of the original request, the request and all other future installments (if any) shall be considered abandoned and the request will be closed.

If a requestor intends to make an oral records request, the requestor should contact the District's Public Records Officer or designee. The designated District employee shall write the request as he/she understands it and confirm it with the requestor. The requestor should provide contact information to facilitate communication with the District regarding the request. If the employee is unsure of the oral request, the District may seek written clarification within five business days. If the requestor does not provide sufficient clarification to the request for clarification within 30 days of the original request, the request will be closed as to the portions of the request that are unclear.

It is the requestor's obligation to provide the District with fair notice that a Public Records Act request has been made. When a requestor does not use an official request form, or makes a request to an employee who is not the Public Records Officer, or includes a request as part of other documents provided to the

District for reasons other than making a Public Records Act request, the requestor may not be providing fair notice to the District. To ensure fair notice is provided, requestors are encouraged to use the online GovQA Web Portal, official forms, make the request through the Public Records Officer's office, and/or take other steps to clearly identify their request. For example, when a request is submitted with other documents not related to disclosure of public records, it shall be the responsibility of the requestor to provide reasonable notice that a public records request is included. This notice may be in the form of an entry on a cover or transmittal sheet.

Bot Requests

The District has no duty to accept certain automated or bot requests. The District may deny bot requests that are one of multiple requests from a requestor within a 24-hour period if responding to the multiple requests would cause excessive interference with the District's other essential functions. Bot requests pose a security risk to the District and thus interfere with the District's essential functions, because they could introduce malware to District systems or be used for a DoS attack on the District. The District has the discretion to block any request(s) if it has a reasonable basis to believe that the request(s) pose a security risk to the District or any of its systems or equipment.

Unaccepted formats

The District does not accept requests via social media, fax or voicemail. The District cannot ensure that it will properly recognize or even receive a request sent by means other than the District's adopted procedures. For example, the District will not monitor social media sites, fax machines or review voicemail on the chance that a requestor may attempt to submit a request via one of those methods.

4.3 Responding to Requests

The District shall make an initial response to the request for public records within five business days of receipt of the request. Business days do not include Saturdays, Sundays, or District-observed holidays. In the event a request for public records is received after 5:00 p.m., the request shall be deemed to have been received on the next business day. If the District 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.

To provide fullest assistance to all requestors, prevent damage to or disorganization of District records or excessive interference with other essential District functions, or ensure that the appropriate amount of District time and resources will be fairly allocated among all requests and requestors, the District, depending upon the nature of the request, may respond initially by:

[Providing the record](#), or the disclosable portions of the record, for review, or a copy thereof if requested after payment of applicable fees;

[Providing an internet address and link](#) on the District's web site to the specific records requested, except that if the requestor notifies the District that he or she cannot access the records through the internet, then the District must provide copies of the record or allow the requestor to view copies using a District computer;

[Providing a reasonable time estimate](#). Acknowledging the District's receipt of the request accompanied by a reasonable estimate of the time necessary to respond to the request factoring in the nature, volume, and availability of the requested records; the amount of time necessary to respond to a particular request

and its effect on the amount of PRO and non-PRO staff time that can be devoted to responding to the requests of other requestors; and the impact on essential District functions. Specific factors that may affect the response time estimate include, but are not limited to:

- a) Number of pending requests from the same requestor;
- b) Volume of records requested;
- c) Complexity or ambiguity of the request;
- d) Requests for underlying metadata;
- e) Access to database or electronic system records;
- f) Information Technology (IT) staff involvement;
- g) Records not easily identified, located, and/or accessible;
- h) Current PRO staffing;
- i) Current staffing of any involved District departments;
- j) Research by District staff;
- k) Amount of time needed by District staff who are not primarily responsible for public disclosure processing;
- l) Number of department personnel or other District departments involved;
- m) Third-party notice;
- n) Complex review to determine if content is exempt;
- o) Extensive and complicated electronic redaction;
- p) Legal review;
- q) Resolving issues related to retention of responsive records; and/or
- r) Grouped requests.

The Public Records Officer will process requests in the order allowing the most requests to be processed in the most efficient manner.

Revised reasonable estimate of time. At any time while processing a response, a PRO may provide the requestor with a revised reasonable estimate of time within which the District will respond to the request. A revised estimate of time will be based on the factors detailed in the Providing a Reasonable Time Estimate Section of this Policy. In addition, a revised reasonable estimate of time may be based on:

- a) Any unexpected or unforeseen delays encountered during the request processing;
- b) Additional requests submitted by the same requestor while the initial request(s) remains pending;
- c) Changed staffing resources, general workload, or schedule; and/or
- d) Other changed circumstances or other considerations ascertained during processing.

Requesting clarification. Respond by acknowledging the District's receipt of the request accompanied by a request to provide clarification for a request that is unclear, and providing, to the greatest extent possible, a reasonable estimate of the time the District will require to respond to the request if it is not clarified; or

Denying the request. If the requestor fails to clarify a request that is unclear in its entirety, then the District will not respond to the request; however, the District shall respond to portions of a request that are clear.

Letting the requestor know that there are no responsive records.

A request for all or substantially all records prepared, owned, used, or retained by an agency is not a valid request for identifiable records under this chapter, provided that a request for all records regarding a

particular topic or containing a particular keyword or name shall not be considered a request for all of an agency's records.

4.4 Third Party Notice.

In the event the requested record(s) contain information that may affect the rights of other persons of interest and/or may be exempt from disclosure, the District may, prior to providing the records, give notice to such other persons of interest whose rights may be affected by disclosure. The notice shall include a complete copy of the public records request. Third parties shall be given a reasonable time to obtain and provide to the District an order from the court preventing or limiting disclosure.

4.5 Supplemental response to request – Additional time – Clarification.

From time to time, the District will need additional time to respond to a request for records. For example, additional time may be necessary due to the volume of requests received by the District, the complex nature of requests, the breadth of a request and need to search in order to locate and assemble responsive records, notify third persons or agencies affected by the request, determine whether any records or portions of records are exempt from disclosure, or determine whether denial should be made to the disclosure of all or a part of the requested records. In the event additional time is needed, the District will take reasonable steps to advise the requestor of the additional time necessary and the reasons for the required extension.

4.5.1 Extraordinary Requests.

When the District receives an extraordinary request, the District may, pursuant to Section 4.5 of this Policy, provide a reasonable estimate of the time it will take to provide a substantive response. That substantive response may be a denial, clarification, or initial plan to locate, retain, review, and produce records responsive to the request. The District may, at any time, revise its estimate upon further review or changed circumstances as provided in the Provide a Reasonable Time Estimate Section of this Policy. In calculating the reasonable estimate of time required for the District to determine how to respond to an extraordinary request, the District shall consider the factors detailed in the Reasonable Time Estimate and Revised Reasonable Time Estimate Sections of this Policy.

4.6 Locating responsive records

Upon receipt of a public records request the Public Records Officer will notify each department that may have records associated with the records request. Staff shall make a reasonable effort to identify and locate any and all responsive records.

4.7 Review for exemptions

Requested records may be subject to exemption, in whole or in part, from disclosure under the Public Records Act (Chapter 42.56 RCW) and in other statutes. In determining whether particular records are exempt from disclosure, the District looks to the list of exemptions that the Washington State Code Reviser provides to the Sunshine Committee on an annual basis. That list is available on the Sunshine Committee's website. Exempt records shall be withheld or redacted, when necessary, consistent with statutory requirements and the withholding or redaction shall be documented for the requestor in accordance with the requirements of RCW 42.56.210 and this policy and procedure.

The presence of exempt content does not necessarily exempt an entire record from disclosure. Exempt portions of an otherwise disclosable record shall be redacted, when necessary, prior to inspection or

copying. When requested records are redacted, the Public Records Officer shall keep a copy of the redacted records for the request file. A listing only of the redacted records provided to the requestor is not sufficient in accordance with the provisions of the official Washington State records retention schedules.

4.8 Exemption Log

When records are withheld or redacted, the requestor shall be informed in writing of the reason and be provided the statutory citation supporting the exemption. An exemption log shall be prepared for the requestor listing the information withheld and the statutory basis for each redaction or record withheld. Individual occurrences of the same redaction may be listed generally in the exemption log. For example, an exemption log need not list separately every occurrence of the redaction of an individual's social security number but may list one time that the number has been redacted throughout the record.

4.9 Commercial Lists

By law, the District is prohibited from disclosing lists of individuals requested for commercial purposes. RCW 42.56.070(9).

4.10 Disclosure of records – Process

Standard Method of Records Delivery

Providing electronic records via the GovQA web portal is the District's primary, preferred method, because it is the most reasonable and cost-efficient method available to the District as part of its normal operations. However, the District may provide certain highly sensitive records (such as records for which transmission and storage is regulated by federal or state regulations including HIPAA, NERC and FERPA) via alternative methods.

Alternate Methods of Delivery

At the specific request of a requestor, or when necessitated by the sensitive nature of a particular record, records may be provided by the following alternative methods:

- Inspection;
- In-person pick-up;
- Paper copies;
- Electronic records, including scanned copies, on portable media purchased by the District, e.g., CD's/DVDs, thumb drives, or portable hard drives;
- USPS mail;
- Other Methods

The District will not provide records on portable media (e.g., thumb drives) provided by a requestor or by uploading to a privately maintained file-sharing site (e.g., private FTP site, cloud storage, etc.). Additionally, requestors may not attach devices or cables to District systems or equipment. Because of the potential for introducing a threat to the security of or otherwise damaging District systems or equipment, the District does not allow requestors to attach or insert their own devices or cables into any District computer system, equipment, or USB port. Copying of records from a District system or equipment will be done by District staff. The requestor must reimburse the District's cost for the storage media. The PRO has the discretion to make and provide copies at a later date if doing so at the time of inspection would interfere with other agency operations.

Appointments for Inspection

In the event a requestor chooses to review records, the District shall notify the requestor once the records which respond to the request are available for review. The District generally provides for inspection of public records by appointment. The PRA states that public records shall be available for inspection and copying during the customary office hours of the agency (RCW 42.56.090).

Records that have been assembled in response to a request will be available for inspection by appointment during normal District business hours (normally 9 a.m. to noon, and 1 to 5 p.m.) normally at the main District office at 321 NW Pacific Avenue, Chehalis, WA 98532, excluding legal holidays. Occasionally, off-site review may be necessary depending on where the records are housed. Appointments to review records at reasonable dates and times will be required so as to not excessively interfere with the District's provision of other essential services. Records that have been retrieved for review shall be made available to the requestor for an initial period of 30 calendar days. In the event the requestor fails to contact the Public Records Officer to arrange to review the records within 30 calendar days of being notified that the records are available for review, the records request shall be deemed abandoned and closed, the records shall be returned to the originating department, and if the requestor wishes to review the records, he/she will be required to submit a new request for the records and the process will begin anew.

The District shall make every effort to accommodate reasonable requests for appointment times while ensuring the security of public records during inspection. To accomplish this, the District will assign an individual to be present during review of public record originals so as to protect records from damage and disorganization. The District reserves the right to make copies of records for inspection rather than provide the original records for inspection. The requestor will not be responsible for copy costs if the requestor only inspects records.

Copies of Records

In the event a requestor requests copies of records, the records shall be copied pursuant to the terms of this policy and procedure. The District's fees for copies of records shall reflect the amounts listed in the District's Statement of Costs pursuant to RCW 42.565.070(7).

Partial or Installment Basis

If the District determines that records responsive to a public records request are voluminous, the District may make the records available for review or copying on a partial or installment basis as the records are assembled and become available for review or duplication. An installment of records that has been copied shall be made available to the requestor for a period of 30 calendar days. In the event a requestor fails to retrieve an installment of copied records, or to contact the Public Records Officer to arrange to review an installment of records within 30 calendar days of being notified that the records are available for review, the records request shall be deemed abandoned, the records shall be returned to the originating department, and if the requestor wishes to obtain the records, he/she will be required to submit a new request for the records and the process will begin anew.

Format of Records

Any records or portions of records disclosed by the District will be provided to the requestor in the same format as they are retained. If the records requested are in an electronic format, the records will be

provided in an electronic format that is used by the District and is generally commercially available, or in a format that is reasonably translatable from the format in which the District keeps the record.

Later Discovered Documents

If, after the District has informed the requestor that it has provided responsive records, the District 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 as soon as possible.

4.11 Final response to request.

The District's response to a request for records shall be deemed complete and final upon:

- Requestor's inspection of the records; or
- Notification to the requestor that the copies requested are available for payment and pick-up; or
- Delivery by electronic mail of electronic records; or
- If records are provided on an installment basis, the requestor's inspection of the final installment, notification that the final installment copies are ready for pick-up or payment, delivery via GovQA of the final installment, or by deposit into the U.S. Mail of the final installment; or
- Notification to the requestor that no records could be reasonably located which are responsive to the request; or
- Upon the District's final determination of any appeal filed pursuant to these procedures.

Abandoned Requests

The district will deem a request abandoned in the following circumstances:

- a) If a requestor fails to respond to a District request to clarify, whether individual or grouped, within 30 days of the request for clarification, and the entire request is unclear;
- b) If a requestor has elected to inspect records, the request, whether individual or grouped, may be deemed abandoned:
 - i. If the requestor fails to contact the PRO to arrange for the review of the first installment within 30 days of making arrangements to inspect the records in person;
 - ii. If the requestor misses an appointment to inspect responsive records or any installment of records and fails to contact the PRO to arrange another appointment to inspect within 30 days of the missed appointment;
- c) If a requestor has elected to receive copies of records, a request, whether individual or grouped, may be deemed abandoned:
 - i. If the requestor fails to open and download within 30 days copies of responsive records or any installment of records provided to the requestor electronically;
 - ii. If the requestor fails to pick up hard copies of responsive records or any installment of records within 30 days of the date on which such copies are made available for pickup;
 - iii. If the requestor fails to pay for copies of any records or any installment of records within 30 days of receiving an invoice for those records; or
 - iv. If the requestor fails to pay a deposit, as provided in the Deposit for Copying section of this Policy, within 30 days of receiving an invoice for such deposit.
 - v.

Effect of Abandoned Request

Upon deeming a request, whether individual or grouped, abandoned as indicated in Section 4.12.1 of this Policy, the District may stop processing and close the request. If a grouped request is abandoned, the

District has the discretion to stop processing and close all individual requests that have been grouped as a single request.

4.12 Request Management

Multiple Requests by Same Party

When the same requestor simultaneously submits multiple, separate requests or makes one or more additional requests when previous requests are open, staff may queue the requests in the order in which they were received. Staff is not required to work on an additional request until the initial requests are completed and closed. Requestors are responsible for informing the Public Records Officer if they want to reprioritize the fulfillment of their requests. Similar requests received from different requestors will be grouped together. Each requestor will receive a duplicate copy of the response as appropriate.

Allocation of Resources

To provide fullest assistance to all requestors and to prevent excessive interference with other essential District functions, the District may allocate specific amounts of time and resources to responding to a request, whether individual or grouped, and/or to a particular requestor. These may include, but is not limited to, allocating a specific number of hours per week or month to be spent by public disclosure staff and/or by employees for whom responding to records requests is not among their primary assigned duties. The amount of time allocated shall be based on the factors detailed in Section 4.2 of this Policy.

To allocate resources efficiently and fairly, and provide fullest assistance to all requestors, the District will process requests in the order that allows the greatest number of requests from the greatest number of requestors to be processed.

Fullest Assistance

The District's obligation to provide fullest assistance extends to all requestors. Fullest assistance does not require the District to ignore or modify its internal business processes for responding to public records requests or to comply with aspects of a request altering the District's internal administrative matters. Fullest assistance does not mean that the District must acquiesce to demands of one requestor if it may detrimentally affect the District's ability to provide fullest assistance to other requestors, result in damage or disorganization of agency records, or excessively interfere with other essential agency functions.

4.13 Copying and delivering – Costs

Consistent with the provisions in Chapter 42.56 RCW, the District shall charge for the costs incurred in copying and delivering public records, including costs to scan paper records into an electronic format. In the event a requestor requests copies of records, prior to the disclosure of any public record, copying costs shall be collected. The applicable copying costs are provided in Section 5. If copied records are provided on an installment basis, the District may charge the requestor for those copying costs as they accrue in making each installment available.

The requestor shall pay all costs associated with the cost of delivering records. Payment of copying and delivery fees shall be made prior to the disclosure of public records. When required pursuant to Section 4.16, the payment of a deposit shall be made prior to the copying of any records.

The requestor may ask for an estimate of the cost before asking for records to be produced.

4.14 Customized Service Charges

WAC 44-14-05004 and 42.56.120(3) RCW authorize agencies to assess a customized service charge if the District determines that the records request requires the use of information technology expertise to prepare data compilations or provide customized electronic access services when such compilations and customized access services are not used by the District for other agency purposes. The customized service charge may reimburse the agency up to the actual cost of providing the services.

Requestors will be notified in advance of the estimated cost, along with an explanation of why the customized service charge applies and a description of the specific expertise required, so that the request may be amended to avoid or reduce cost, if desired.

4.15 Deposit for copying

The District may, in its discretion, require the requestor to deposit a sum equal to ten percent of the estimated copying cost prior to duplication of the records. In the event a deposit is required, the District will notify the requestor of the necessity of the deposit. Any deposit shall be made in accordance with Section 4.17. In the event the actual copying costs are less than the amount deposited by the requestor, the District will return the sum in excess of the actual amount to the requestor.

4.16 Payment of required fees

The payment of all costs associated with public records shall be made by cash, credit card, money order, or check (payable to the Lewis County Public Utility District). Cash, credit card, money order, or check payments shall be made in person at the Lewis County Public Utility District Chehalis office located at 321 NW Pacific Ave., Chehalis; Check or money order payments may be sent by mail to PO Box 330, Chehalis, WA 98532.

4.17 Denial of Request

Petition for internal administrative review of denial of access

Any person who objects to any denial of a records request or a portion of the request may submit a petition in writing (including by e-mail and/or through GovQA) 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.

Consideration of petition for review

The Public Records Officer shall promptly provide the petition and any other relevant information to the District's Attorney or his or her designee to conduct the review. The District's Attorney or his or her designee will promptly consider the petition and either affirm or reverse the denial within five (5) business days following the District's receipt of the petition, or within such other time to which the District and the requestor mutually agree.

Judicial review

Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of five business days after the initial denial regardless of any internal administrative appeal.

4.18 Requests Log

The Public Records Officer shall maintain a log of all requests that shall include at a minimum:

- Identity of the requestor, if provided;

- The date the request was received;
- The format and text of the original request;
- A description of the records produced in response to the request;
- A description of the records redacted or withheld and the reasons therefore; and
- The date of the final disposition of the request.

4.19 Retention

Records documenting the process of fulfilling specific requests and the records responsive to them are retained for the applicable retention periods and are considered a public record subject to disclosure and retention. Public records requests and associated logs are maintained and destroyed in accordance with the requirements of the Washington State Local Government Common Records Retention Schedule and the Utility Services Records Retention Schedule. If a requested record is scheduled shortly for destruction, and the District receives a public records request for it, the record cannot be destroyed until the request is resolved.

4.20 Preservation of Public Records

No member of the public may remove a public record from the District without the Public Records Officer's permission. No member of the public may remove a public record from a viewing area, disassemble, or alter, fold, mark, deface, tear, damage or destroy any public record. 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 District staff. Copies of public records may be copied only on copying machines of the District unless other arrangements are made by the Public Records Officer. No food or drink will be permitted during the inspection of public records. Access to file cabinets, shelves, vaults and other District storage areas is restricted to authorized District staff.

5.0 Fees

Pursuant to RCW 42.56.120(2)(b), the District finds that it is unduly burdensome to calculate the actual costs to provide records to due to insufficient resources to conduct a comprehensive study to determine actual costs and the interruption of essential District business that would result from conducting such a comprehensive study. The District reserves the right to charge fees to the requestor in accordance with the amounts provided in RCW 42.56.120, as provided below, and as amended by the Legislature. The District may also use any other method authorized by the Public Records Act for imposing charges for public records including, but not limited to, charging a flat fee, charging a customized service charge, or charging based on a contract, memorandum of understanding, or other agreement with a requestor. No fee shall be charged for the inspection of public records or locating public documents and making them available for copying, with the exception of the customized service charge allowed in RCW 42.56.120. The District may waive charges assessed for records when the Public Records Officer determines collecting a fee is not cost effective.

Applicable Legislation and Regulations:

Chapter 42.56 RCW

Chapter 40.14 RCW

Chapter 82.12 RCW

Chapter 44-14 WAC

Chapter 434-615 WAC

Washington State Local Government Common Records Retention Schedule

Washington State Utilities Services Records Retention Schedule

Related References:

Fee Schedule

The Fee Schedule will be posted as a separate document to be maintained by the Public Records Officer as regulatory rules are updated.

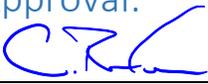
Table of PRA Exemptions

The Table of PRA Exemptions will be posted as a separate document to be maintained by the Public Records Officer as statutes and case law are updated.

Public Records Request Form

The Public Records Request Form will be posted as a separate document to be maintained by the Public Records Officer.

Approval:



Chris Roden, General Manager

3/26/2019
Date