

PUBLIC RECORDS ACT RULES

PRA Rule 010. Authority and purpose.

1. **Authority.** RCW 42.56.070(1) requires each agency to make available for inspection and copying nonexempt public records in accordance with published rules. The Public Records Act (the Act”) defines “public record” to include any “writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained” by the agency. RCW 42.56.070(2) requires each agency to set forth “for informational purposes” every law, in addition to the Act, the exempt or prohibits the production of public records held by that agency.
2. **Purpose of Rules.** The purpose of these Rules is to establish the procedures the City of Sammamish (“the City”) will follow in order to provide full access to public records, fullest assistance to inquirers and the timeliest possible action, as required by RCW 42.56.100, mindful of the further requirement that the Rules must also protect the records from damage or disorganization and prevent excessive interference with other essential functions of the City. These Rules provide information to persons wishing to request access to public records of the City and establish processes for both requestors and City staff that are designed to best assist members of the public in obtaining such access.
3. **Purpose of the Act.** The purpose of the Act is to provide the public full access to information concerning the conduct of government, mindful of individuals’ privacy rights and the desirability of the efficient administration of government. The Act and these Rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the Act, the City will be guided by the provisions of the Act describing its purposes and interpretation.
4. **Amendment of the Rules.** By authorization of the City Council in the Resolution approving these Rules, the City Manager is authorized to amend the Rules as necessary to remain in compliance with evolving law governing the handling of public records requests. All amendments to the Rules will be reported to the City Council.

PRA Rule 020. Agency description – Contact information – Public Records Officer.

1. **Agency description.** The City provides the services of a non-charter, code city, including but not limited to, building and plans inspection, parks and recreation, planning and community development, public safety and public works service, which are supported and supplemented by financial and administrative services.

The general course and method by which the City’s operations are channeled and determined is through laws adopted and direction given by the City Council and other competent authority in conformity with all applicable city, state and federal law, which

are implemented by the City Manager, Department Directors and their designees in conformity with the requirements of those same laws. The City's rules of procedure are set forth in those same laws or in rules adopted pursuant to authority granted to others as provided in those laws. The City's substantive rules of general applicability that were adopted as authorized by law, as well as the statements of general policy or interpretations of general applicability formulated and adopted by the City are contained in the Sammamish Municipal Code, or in rules regulations and interpretations authorized to be adopted or issued in those laws or under federal or state law.

The City has offices at the following locations:

Main City Hall 801 228th Avenue SE, Sammamish, WA 98075
Maintenance and Operations Center 1801 244th Avenue SE, Sammamish, WA 98075

2. **Contact Information-Public Records Officer.** Any person wishing to request access to public records of the City, or seeking assistance in making such a request, should follow the procedures set forth in these Rules and contact the following Public Records Officer (the "PRO") of the City and submit such a request to obtain assistance in making such a request.

Public Records Officer
City of Sammamish
801 228th Avenue SE
Sammamish, WA 98075
Phone (425) 295-0500 Fax (425) 295-0600
Information is also available at the City's website at <https://www.sammamish.us/>.

3. **Requests for Police records:** The City contracts for police services with the King County Sheriff's Office. Requests to inspect or copy police records should be made to the King County Records Unit at:

Records Unit
King County Courthouse
516 Third Avenue
Room W-150
Seattle, WA 98104

Telephone: (206) 263-2626
Online: <https://www.kingcounty.gov/depts/sheriff/services/public-disclosure/online-requests.aspx>

4. **Requests for Fire and Emergency records:** The City contracts for fire and emergency medical services with the Eastside Fire and Rescue. Requests to inspect or copy police records should be made to the King County Records Unit at:

Eastside Fire & Rescue
175 Newport Way NW

Issaquah, WA 98027
Telephone: (425) 313-3200

E-mail: records@esf-r.org

PRA Rule 030. Availability of public records.

1. **Availability.** Public records are available for inspection and copying during normal business hours of the City, Monday through Friday, 8:30 am to 5:00 pm, excluding legal holidays. Inspection of records shall occur at the central offices of the City unless another location is approved by the PRO or designee.
2. **Records index.** Through the Resolution approving these Rules, the Sammamish City Council issued a formal order finding that the maintenance of an index required by RCW 42.56.070(3) would be unduly burdensome and would interfere with City operations due to the number and complexity of records generated as a result of the wide range of City activities.
3. **Organization of records.** The City will maintain its records in a reasonably organized manner. While committed to fully comply with the Act and these Rules, the City must also take reasonable actions to protect records from damage and disorganization and prevent excessive interference with other essential function of the City. A requestor shall not take City records from City offices. A variety of records are available on the City's website at www.sammamish.us. Requestors are encouraged to view the documents available on the website prior to submitting a records request.
4. **Reasonable notice that the request is for public records.** A requestor must provide the City with reasonable notice that the request being made is for public records. If a request is contained in a larger document unrelated to a public records request, the requestor should point out the public records request by labeling the front page of the document as containing a public records request or otherwise calling the request to the attention of the PRO to facilitate timely response to the request.
5. **Making a request for public records.**
 - a. Any person seeking to inspect or copy public records of the City should make the request by completing the online form available on the City's website at <https://www.sammamish.us/>, by making the request in writing on the City's request form, or by letter, fax or email addressed to the PRO. The following information should be included in the request:
 - Name of requestor;
 - Contact information, such as address, telephone number, or e-mail address, and preferred method of contact;
 - Identification of the public records adequate for the PRO to locate the records;

- The date of the request; and
 - Whether the requestor intends to inspect the records or desires copies of the records (see PRA Rule 130 below).
- b. Public records requests are public records and are subject to inspection or copying.
 - c. The PRO may accept requests for public records that contain the above information by telephone or in person. If the PRO accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing. The confirmation will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement of the scope.
 - d. Records requests may only encompass existing records. They cannot be used to obtain copies of records not yet in existence. The City is not obligated to hold current records requests open to respond to requests for records that may be created in the future. If a public record is created after a request is received by the City, it is not responsive to the request and will not be provided. A new request must be made to obtain later-created public records.
6. **Requests made directly to City departments.** Requests for public records that are made directly to departments shall be delivered to the PRO immediately upon receipt for coordinated processing.
 7. **Purpose of request.** Generally, the City shall not distinguish among persons requesting records. To that end, a requestor need not state the purpose of the request, except that the City will require the requestor to provide information as to the purpose of the request in the following instances:
 - a. If the request is for a list of individuals to use for commercial purposes (see Rule 090 below).
 - b. The City may request information from a requestor sufficient to allow a determination as to whether another statute prohibits disclosure of specific information or records to certain persons.

PRA Rule 040. Processing of public records requests.

1. **Providing the “fullest assistance”.** Mindful of the requirements of RCW 42.56.100, to the extent reasonably possible, the PRO will process request in the order allowing the most requests to be processed in the most efficient manner. In an effort to better understand the request and provide all responsive records, the PRO can inquire about the purpose for the request but the requestor is not required to answer except to establish whether inspection and copying would violate RCW 42.56.070(9) (See PRA Rule 090 below) or other statutes which exempts or prohibits production of specific information or records to certain persons.

2. **Acknowledging receipt of request.** Within five business days of receipt of the request, not including the day the request was received, the PRO will do one or more of the following:
 - a. Make the records available for inspection or copying (subject to payment of fees pursuant to PRA Rule 130 below);
 - b. Provide a link to the City’s website where the requested records are posted;
 - c. Acknowledge that the request has been received and provide a reasonable estimate of time needed to respond to the request;
 - d. If the request is unclear or does not sufficiently identify the requested records, acknowledge receipt of the request, request clarification from the requestor and provide a reasonable estimate of time need to respond to the request if it is not clarified. Such clarification may be requested and provided by telephone; or
 - e. Deny the request, specifying the reasons for the denial.
3. **Reasonable estimate of time.** If not able to fulfill the request within the five-business-day period, the PRO must provide a reasonable estimate of the time it will take to fully respond to the request. Additional time may be needed to clarify the scope of the request, locate and assemble the records, redact confidential information, prepare an exemption log, notify third parties affected by the request and/or consult with the City Attorney about whether the records are exempt from disclosure. The PRO should briefly explain the basis for the time estimated to respond. Should an extension of time be necessary to fulfill the request, the PRO will provide a revised estimate and explain the changed circumstances that make the extension necessary.
4. **Consequences of failure to respond.** If the PRO does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the PRO to determine the reason for the failure to respond.
5. **Requesting Clarification.** In acknowledging receipt of a public record request that is unclear, the City may ask the requestor to clarify what information the requestor is seeking. Additionally, clarification may be sought in the following, non-exhaustive, circumstances:
 - a. To determine the specific date or date range of records sought, if known.
 - b. To ask a requestor to prioritize the records he or she is requesting so that the City is able to provide the most important records first. The City is not required to ask for prioritization, and a requestor is not required to provide it.
 - c. To clarify requests for identified in vague terms such as “any and all documents related to,” “all records relating to” or similar language. If the requestor is unable or unwilling to help narrow the scope of the documents being sought in order to expedite

the City's response and/or reduce the volume of potentially responsive documents, the Public Records Officer may err on the side of producing more rather than fewer documents in response to such a broad, general request. City staff shall not be obligated to interpret such a broad, general request in order to decipher which specific documents may be of interest to the requestor and the Act does not allow a requestor to search through the City's files for records which cannot be identified or described to the City.

Such clarification may be requested and provided by telephone. If the clarification is made by telephone, the Public Records Officer will confirm the scope of the clarification in writing. The confirmation will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement of the scope.

If the requestor fails to respond to a City request to clarify the request within 30 days, and the entire request is unclear, the City may consider the request abandoned. Otherwise, the City must respond to those portions of the request that are clear. If the City considers the request abandoned, it shall send a closing letter to the requester.

6. **Court protection of records (Third-party notice).** If the requested records contain information that may affect rights of a person who is named in the record or to whom the record specifically pertains and that may be exempt from disclosure, prior to providing the records the Public Records Officer may give notice to such persons. Generally, 14-days' notice will be given in order to make it possible to contact the requestor and ask him or her to revise the request or, if necessary, allow affected individuals to take action seek an order from a court to prevent or limit the disclosure. The notice to the affected person(s) will include a copy of the request. Nothing in this section requires the City to provide such third-party notice, unless otherwise required by law.
7. **Bot requests.** The City may deny a bot request that is one of multiple requests from the requestor to the City within a twenty-four-hour period, if the City establishes that responding to the multiple requests would cause excessive interference with other essential functions of the agency. For purposes of this subsection, "bot request" means a request for public records that an agency reasonably believes was automatically generated by a computer program or script.
8. **Multiple requests by the same requestor.** In order to provide the fullest assistance to all records requestors and to prevent excessive interference with other essential functions of the City, if the same requestor, or their representative, has submitted multiple unrelated requests categorized by the City as Category 3 or 4 requests, the Public Records Officer may process the requests one at a time and in the order received while simultaneously processing other requestors' later-received requests. Requestors may prioritize the order in which the City processes such multiple requests. If a requestor submits multiple Category 3 or 4 requests that relate to the same subject, project, keyword, etc., the Public Records Officer may consolidate such requests to be processed simultaneously. The City shall endeavor to provide all requestors, and their representatives, with equal assistance and attention, to the extent reasonably and feasibly possible.

9. **Prisoner Injunction.** Pursuant to RCW 42.56.565, the City may seek to enjoin the inspection or copying of any nonexempt public records by persons serving criminal sentences in state, local or privately operated correctional facilities.

PRA Rule 050. Categories of requests.

1. When a public records request is received, the PRO will categorize the request according to the nature, volume and availability of the requested records as well as the complexity of the request as follows:
 - a. **Category 1** records requests are routine and/or can be readily filled for easily identified and immediately accessible records, requiring little or no coordination between departments.
 - b. **Category 2** records requests are routine requests that involve:
 - i. A large number of records,
 - ii. Third-party notification,
 - iii. Records are not easily identified, located and accessible, and/or
 - iv. Records that require some coordination between departments.
 - c. **Category 3** records requests are complex requests which may be complex, broad or vague that involve:
 - i. A large number of records that are not easily identified, located or accessible, requiring significant coordination between multiple departments,
 - ii. Research by City staff who are not primarily responsible for public disclosure, and/or
 - iii. Review by public disclosure staff to determine whether any of the records are exempt from production.
 - d. **Category 4** records requests are complex requests that may be especially broad or vague which involve:
 - i. A large number of records that are not easily identified, located or accessible, requiring coordination between multiple departments, and
 - ii. Research by City staff who are not primarily responsible for public disclosure and/or
 - iii. Legal review and creation of an exemption log. These requests may require additional assistance from third-parties in identification and assembly.
2. After initial categorization, records requests may be re-categorized in response to unanticipated circumstance or additional information.

PRA Rule 060. Standard time periods for response.

1. The following time standard periods for response to all categories of records requests are established as goals. The City may not be able to comply with the goals, but will notify the requester if the goal will not be met.

- a. **Category 1 records request.** Generally, the City will respond to Category 1 requests within 5 business days but if records cannot be made available within 5 business days, the City may extend the time up to 30 business days.
- b. **Category 2 records request.** The City will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to make the records available. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 2 records requests may require between 30 and 120 business days.
- c. **Category 3 records request.** The City will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to make the records available. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 3 records requests may require several months or up to a year to respond.
- d. **Category 4 records request.** The City will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to make the records available. The estimate is made on a case-by-case basis, depending on the nature and scope of the request. Category 4 records requests will usually require several months or more than a year to respond.

PRA Rule 070. Records requests queues.

1. All Categories of records requests shall be maintained and tracked in records requests queues with a separate queue for each category. The queues will identify the status of the records as “pending”, “open”, “referred”, “abandoned” or “closed”.
2. Records requests will initially be entered in the respective queues in the chronological order in which they are received by the City. Responding to a records request is not always a sequential process. The PRO will manage the active queues by moving between requests based on circumstance that may include, but are not limited to the following:
 - a. A request is waiting for records to be retrieved from storage;
 - b. A request is waiting for records to be retrieved from person or entities that hold them on behalf of the City (e.g. employees, consultants);
 - c. A request is waiting for legal review of records to determine if the records are responsive or the applicability of exemptions and production of an exemption log;
 - d. A request is waiting for the requestor to respond to a request for clarification;
 - e. A request is waiting for a response after notifying a third party named in a record;

- f. A request is waiting for resolution of a legal action filed by a third party to enjoin release of records;
- g. A request is waiting for consideration of a petition to review denial of access;
- h. A request is waiting for an external vendor reproduction of records;
- i. A request is waiting for the requestor to claim an installment or physically inspect records.

PRA Rule 080. Managing the queues.

The PRO is primarily responsible for managing the records requests queues based on the following criteria:

- 1. The number of records responsive to the given request;
- 2. The number and size of other records requests in the queue;
- 3. The amount of processing required for the subject request and other requests in the queue;
- 4. The status of a particular request that is waiting for third party review or requestor action; and
- 5. The current volume of other City work, as it affects the amount of staff time that can be devoted to the subject request or requests.

PRA Rule 090. Redactions and exemptions

- 1. **Records exempt or prohibited from production.** The Public Records Act provides that some records are exempt or prohibited from production, in whole or in part. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Exemptions are permissive rather than mandatory. Therefore, the City has the discretion to provide an exempt record. However, in contrast to a waivable "exemption," the City cannot provide a record when a statute makes it "confidential" or otherwise prohibits disclosure.
- 2. **Exemption log and brief explanation.** Whenever the City claims an exemption for a record, the City's response will include an exemption log. The log will identify the record, typically by name, type of record, date, number of pages and the author or recipient, if such information is known. The log will also provide a brief explanation of why the record or a portion of the record is being withheld. The description should include enough information to allow a requestor to make a threshold determination of whether the City has properly invoked the exemption. If only a portion of a record is

exempt from production, the PRO will redact the exempt portions and produce the nonexempt portions.

3. **List of “Other Statute” Exemptions.** Requesters should be aware of exemptions, outside the Act, that may restrict the availability of some records held by the City for inspection and copying/scanning. The Municipal Research and Services Center also maintains an up-to-date list of current exemptions and prohibitions on their website at www.mrsc.org. The City’s failure to list an exemption shall not affect the effectiveness of the exemption.
4. **Lists of individuals for commercial purposes.** The City is prohibited by statute from producing lists of individuals for commercial purposes. Therefore, if a request is received for any type of list of individuals, an inquiry as to whether the requestor intends to use the list for commercial purposes must be answered before the list can be provided. If the answer is that it will be used for such purposes, the list cannot be produced.

PRA 100. Inspection of Records

1. Inspection of records.
 - a. Consistent with other demands, the City shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document.
 - b. The requestor must claim or review the assembled records within 30 days of the PRO’s notification to him or her that the records are available for inspection or copying/scanning. The PRO will notify the requestor, in writing, of this requirement and inform the requestor that he or she should contact the PRO to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the 30-day period or make other arrangements, the PRO may close the request. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

PRA Rule 110. Providing records.

1. **Providing records in installments.** When the request is for a large number of records, the PRO may provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide records in that manner. If, within 30 days, the requestor fails to inspect the entire set of records, or one or more of the installments, the PRO may stop searching for the remaining records and close the request.
2. **Searching for records.** The City must conduct an objectively reasonable search for responsive records. The PRO will determine where responsive records are likely to be

located and involve other departments, as needed, to assemble the records. After potentially responsive records are located, the PRO should take reasonable steps to narrow down the number of records assembled to those that are responsive. The City will not “bury” a requestor with non-responsive documents. However, the PRO is allowed to provide arguably, but not clearly, responsive records to allow the requestor to select the ones he or she wants, particularly if the requestor is unable or unwilling to help narrow the scope of the documents being sought.

3. **Closing a withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the PRO will close the request and so inform the requestor.
4. **Later discovered document.** If, after the PRO has informed the requestor that he or she has provided all available records, the PRO becomes aware of additional responsive documents existing at the time of the request that had not been provided previously, he or she will promptly inform the requestor of the additional documents and provide them on an expedited basis.
5. **Identifiable record.** A requestor must request an “identifiable record” or “class of records” before and agency must respond. An identifiable record is one in existence at the time the request is made and that City staff can reasonably locate. A request for all or substantially all records prepared, owned, used, or retained by the City 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 the City’s records. The Act does not allow a requestor to search through agency files for records which cannot be reasonably identified or described to the agency.
6. **Disclosing a record in error.** The City, and its officials, agents, employees or custodians shall not be liable, nor shall a cause of action exist, for loss or damage based on release of a public record if the City, official, agent, employee or custodian acted in good faith in attempting to comply with the Public Records Act.
7. **Requests for information or nonexistent records.** Requests for information are not public records requests. An agency is not required to conduct legal research for a requestor. An agency is not required to create records to respond to a request; however, the City may, with the requestor’s approval, create such a new record to fulfill the request where it may be easier for the City to create a record responsive to the request than to collect and make available voluminous records that contain small pieces of information responsive to the request.

PRA Rule 120. Processing of public records request: Electronic records.

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

2. **Providing electronic records.** If public records are requested in an electronic format, the PRO will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record.
3. **Paper records provided electronically.** Paper records that are specifically requested to be provided electronically are subject to processing fees listed in the Fee Schedule.
4. **Customized access to databases.** With the consent of the requestor, the City may provide customized access under RCW 42.56.120(3) and (4) if the City estimates that the request would require 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 City for other purposes. Such charge shall be the actual cost of providing the customized access service. The City must notify the requestor in advance of the customized service charge to be applied, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimate cost of the charge, and the City must provide the requestor the opportunity to amend the public records request in order to avoid or reduce the cost of a customized service charge.
5. **No access to City network or systems.** Requestors shall not be permitted to access or “plug into” City networks or systems or copy records using personal devices or equipment, such as USBs or scanners, which must be connected to City equipment in order to copy records.

PRA Rule 130. Costs for providing copies of public records.

1. **Costs for copies.** A requestor may obtain copies or scans as provided under RCW 42.56.070(7), 42.56.120 and WAC 44-14-07003; the City will charge for copies or scans, as well as for records in other forms (e.g. CD/DVD, flash drive, etc.) according to their fee schedule.

Before beginning to make copies, the PRO may require a deposit of up to ten percent of the estimated costs of copying or scanning all the records selected by the requestor. The PRO may also require the payment of the remainder of the copying/scanning costs before providing all the records, or the payment of the costs of copying/scanning an installment before providing that installment. The PRO will not charge sales tax when it makes copies or scans of public records but if the records are sent to a third party for copying/scanning, that third party may charge sales tax and the requestor will be responsible for payment of that tax as well as the third party's actual charges for copies or scans.

2. **Costs of mailing.** The City may also charge actual costs of mailing, including the cost of the shipping container.

3. **Use of an outside vendor.** An agency is not required to copy/scan records at its own facilities. An agency can send the project to a commercial copying/scanning center and bill the requestor for the amount charged by the vendor. An agency can arrange with the requestor to pay the vendor directly. An agency cannot charge the default per page copying/scanning charge when its cost at a vendor is less.
4. **Payment.** Payment may be made by cash, debit card, credit card, check or money order made payable to the City of Sammamish.

PRA Rule 140. Retention of records.

1. **Local Government Retention Schedule.** The City retains its records in accordance with retention schedules approved by the State Local Records Committee. The City is not required to retain all records it creates or uses. The retention schedules for local agencies are available at: <https://www.sos.wa.gov/archives/RecordsManagement/Managing-City-Records.aspx>.
2. **Preserving requested records.** Public records may not be destroyed per a retention schedule if a public records request or actual or anticipated litigation is pending. If a requested record is scheduled shortly for destruction under the City's records retention schedule, the record cannot be destroyed until the public disclosure request has been resolved. Once a request has been closed, the Public Records Officer can return the assembled records to their original locations and destroy the record in accordance with the retention schedule.

PRA Rule 150. Review of denials of public records requests.

1. **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the PRO for a review of that decision. The petition shall include a copy of, or reasonably identify, the written statement by the PRO denying the request, and the basis for the requestor's challenge to the denial.
2. **Consideration of petition for review.** The Public Records Officer shall promptly provide the petition and any other relevant information to the City Attorney or his or her designee to conduct the review. The City Attorney or designee will promptly consider the petition and either affirm or reverse the denial within two business days following the City's receipt of the petition, or within such other time to which the City and the requestor mutually agree.
3. **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.