



**SPOKANE PUBLIC LIBRARY**

**DOCUMENT # 10.2.3.A**

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**SUBJECT: PROCEDURE ON PUBLIC RECORDS REQUESTS**

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2.0 REFERENCES

Chapter 42.56 RCW

3.0 PROCEDURE

3.1 Processing of Public Records Requests – General

3.1.1 Providing "fullest assistance."

The Library is charged by statute with adopting rules which provide for how it will "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The Library Director or designee will process requests in the order allowing the most requests to be processed in the most efficient manner. Any Library employee who receives a Public Records Request will have the requester fill out a Public Records request form, see Attachment A. The Public Records request form will be forwarded to the Library Director, Downtown Branch Third Floor.

3.1.2 Acknowledging receipt of request.

Within five (5) business days of receipt of the request, the Library Director or designee will do one or more of the following:

- a. Make the records available for inspection or copying;
- b. If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;

- c. Provide a reasonable estimate of when records will be available;  
or
  - d. If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The Library Director may revise the estimate of when records will be available; or
  - e. Deny the request.
- 3.1.3 Consequences of failure to respond.  
If the Library does not respond in writing within five (5) business days of receipt of the request for disclosure, the requestor should contact the Library Director to determine the reason for the failure to respond.
- 3.1.4 Protecting rights of others.  
In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the Library Director may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request. The Spokane Public Library will attempt to accommodate the rights of the requestor to the records with the rights of third parties to obtain a court order.
- 3.1.5 Records exempt from disclosure.  
Some records are exempt from disclosure, in whole or in part. If the Library believes that a record is exempt from disclosure and should be withheld, the Library Director will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the Library Director or designee will redact the exempt portions, provide the non-exempt portions, and indicate to the requestor why portions of the record are being redacted. If the records requested are large and/or if the redactions are voluminous, a "withholding index" which cites the public record and the statute that provides the exemption may accompany the public records.
- 3.1.6 Inspection of records.
- a. Consistent with other demands, the Library 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. The requestor shall indicate which documents he or she wishes the Library to copy. The Library and the requestor can make mutually agreeable arrangements for the times of inspection.

b. The requestor must claim or review the assembled records within thirty (30) days of the Library's notification to him or her that the records are available for inspection or copying. The Library will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the Library Director or designee at the Downtown Branch Library, third floor, 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 thirty (30)-day period or make other arrangements, the Library may close the request and refile the assembled records. 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.

3.1.7 Providing copies of records.

After inspection is complete, the Library Director or designee shall make the requested copies or arrange for copying.

3.1.8 Providing records in installments.

When the request is for a large number of records, the Library Director or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty (30) days, the requestor fails to inspect the entire set of records or one (1) or more of the installments, the Library Director or designee may stop searching for the remaining records and close the request.

3.1.9 Completion of inspection.

When the inspection of the requested records is complete and all requested copies are provided, the Library Director or designee will indicate that the Library has completed a diligent search for the requested records and made any located non-exempt records available for inspection.

3.1.10 Closing 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 Library Director will close the request and indicate to the requestor that the Library has closed the request.

3.1.11 Later discovered documents.

If, after the Library has informed the requestor that it has provided all available records, the Library becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and reproduction costs, and provide them on an expedited basis.

3.2 Processing of public record requests – electronic records

3.2.1 Requesting electronic records.

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

### 3.2.2 Providing electronic records.

When a requestor requests records in an electronic format, the Library Director will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the Library and is generally commercially available, or in a format that is reasonably translatable from the format in which the Library keeps the records. Costs for providing electronic records are governed by WAC 44-14-07003.

### 3.2.3 Customized access to databases.

With the consent of the requestor, the Library may provide customized access under RCW 43.105.280 if the record is not reasonably locatable or not reasonably translatable into the format requested. The Library may charge a fee consistent with RCW 43.105.280 for such customized access.

## 3.3 Exemptions

3.3.1 The Public Records Act provides that a number of types of documents are exempt from public inspection and copying, including Library Records RCW 42.56.310. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the exemptions, outside the Public Records Act, that restrict the availability of some documents held by the Spokane Public Library for inspection and copying. The list is a partial list only, and there may be other statutes that restrict or limit the disclosure to the public. These exemptions are located in Spokane Public Library Document 10.2.3, Attachment B.

3.3.2 The Library is prohibited by statute from disclosing lists of individuals for commercial purposes.

## 3.4 Costs of Providing Copies of Public Records

### 3.4.1 Costs for paper copies.

The Spokane Public Library charges ten cents (\$0.10) per page for standard black and white photocopies of a record selected by a requestor. Copies can be made on public copiers at any Library Branch for a standard charge of ten cents (\$.10) per page. Before beginning to make the copies, the Library Director or designee may require a deposit of up to ten percent (10%) of the estimated costs of copying all the records selected by the requestor. The Library Director or designee also requires the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The Library will not charge sales tax when it makes copies of public records.

### 3.4.2 Costs for electronic records.

There will be no charge for emailing electronic records to a requestor.

3.4.3 Costs of mailing.  
The Library may also charge actual costs of mailing, including the cost of the shipping container.

3.4.4 Payment.  
Payment may be made by cash, check, or money order to the Spokane Public Library.

### 3.5 Review of Denials of Public Records

3.5.1 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 Library Director 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.

3.5.2 Consideration of petition for review.  
The Library shall promptly provide the petition and any other relevant information to the City Legal Department. That person will immediately consider the petition and either affirm or reverse the denial within two (2) business days following the City's Legal Department receipt of the petition, or within such other time as the City Legal Department and the requestor mutually agree to.

3.5.3 Judicial review.  
Any person may obtain court review of denials of public records request pursuant to RCW 42.56.550 at the conclusion of two (2) business days after the initial denial regardless of any internal administrative appeal.

## 4.0 RESPONSIBILITIES

The Spokane Public Library Director shall administer this policy.

## 5.0 APPENDICES

Attachment A - Public Records Request Form



Attachment A

**PUBLIC RECORDS REQUEST (RCW 42.56)**

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

**IDENTIFICATION/DESCRIPTION OF RECORDS(S) SOUGHT:**  
 Please be as specific as possible. We will be able to process your request faster if you clearly identify the records you are requesting to review. Note that pursuant to RCW 42.56.520, we have five (5) business days to respond to your request.

- Mail records (prepayment required).
  - I wish to have copies made. ( Prepayment may be required)
  - I wish to review records before copies are made. (All records must remain in Library)
  - I wish to make my own copies. (All records must remain in Library.  
Public copies can be used for the stated public copier fee.
  - I wish to receive the records electronically.  
(Electronic copies are only available if the record is in electronic form when requested.  
The Library is not obligated to create an electronic copy.)
  - Mail records. (Prepayment is required for the cost of mailing records.
  - Call me. (Records will be picked up by requestor)
- I certify that any lists of individuals obtained through this request will not be used for commercial purposes (RCW 42.56.070(9)).

Signature: \_\_\_\_\_

<b>FOR DEPARTMENT USE ONLY:</b>			
Date Received:		Staff:	
Date Completed:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Staff:	
Copies Provided:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Total:	\$
Request Denied:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Reason:	

**SUBMIT COMPLETED FORM TO:**  
 Spokane Public Library  
 Downtown Branch 3<sup>rd</sup> floor  
 906 W Main Ave.  
 Spokane, WA 99201  
 (509) 444-5416