

## SPOKANE COUNTY FIRE PROTECTION DISTRICT NO. 5 RECORDS POLICY AND PROCEDURES

The District is required by chapter 42.56 RCW to establish regulations to protect public records from damage or disorganization and to prevent, in its record disclosure procedure, excessive interference with the essential functions of the District. The District must also insure that its record disclosure policy and procedure protects against the invasion of an individual's right to privacy and restricts access to its records that are exempt from public disclosure.

The inspection and copying of District records must be conducted under the supervision of District personnel to protect the records. The District has a limited number of office personnel available to provide the required supervision. While the District will make every effort to provide prompt responses to record inspection and copying requests, the District cannot permit the response to record requests to unduly interrupt the normal operations of the District.

The District is concerned over the release of records relating to third parties, the release of personnel records of paid and volunteer personnel of the District and of the possible violation of a third party's or an employee's right to privacy. The problem could occur through the release of general records or personnel records or information from records to the news media, members of the public or personnel of the District. It is the purpose of this policy to insure compliance with the exemptions from disclosure of District records provided in the Open Public Records Act, chapter 42.56 RCW and to protect the legitimate privacy interest of District personnel in respect to their records and the privacy interest of third parties in respect to records that include information about them.

The protection of records and the prevention of improper disclosure applies not only to the public but also to District personnel. While District personnel shall have access to District records that they must use in the performance of their assigned duties, they shall not have access to confidential information that is exempt from disclosure and which is not necessary for the performance of their duties. In the event personnel are afforded access to confidential records, they must not improperly use or disclose the information or records.

This policy and procedure shall apply to members of the public and to all District personnel including officers, paid and volunteer employees, independent contractors who are retained by the District and Commissioners.

To insure the protection of the District records and to prevent the improper disclosure of records, no District personnel shall have access to District records, without the approval of the District Records Retention Officer, unless their regular job duties require access.

To protect the confidentiality of information contained in all records, including personnel records, the following procedures shall be used in the event the District's Record Retention Officer is requested by a member of the public or District personnel to allow the inspection or copying of District records including personnel records:

## ACCESS TO PUBLIC RECORDS

### DEFINITIONS

1. **Public Records.** Public records of Spokane County Fire Protection District No. 5 include any record containing information relating to the conduct or performance of any governmental function prepared, owned, used or retained by the District as defined in chapter 42.56 RCW. Public records do not include personal records of District employees or officials that may be in the possession of the employee or official or located in their office, lockers or living quarters.
2. **Electronic Public Records.** Electronic public records of the District include all data compilation stored and retained on the District computers containing information relating to the conduct or performance of any governmental function prepared, owned, used or retained by the District. Electronic public records do not include personal materials entered or stored on District computers by employees and officials when using the computers for incidental personal use.
3. **Record.** As used in this policy and procedure the "record" available to the public for electronic stored records shall be a printout of the stored record.
4. **Copy.** As used in this policy and procedure a "copy" of a record shall mean a duplicate of the record in the same media, except that a "copy" of an electronic stored record shall mean a printout of the record.
5. **Records Retention Officer.** The District Records Retention Officer shall be the District Administrator.
6. **District Review Authority.** The District Review Authority shall be the District legal counsel.

### RECORDS ACCESS AND COPYING

1. **Computer Network.** In order to maintain the security of the records as required by RCW 42.56.100, the District computer hardware shall not be available to the public for review of electronic records.
2. **Public Records Availability.** The records or printouts of all electronic public records of the District as defined above are available for public inspection pursuant to these rules, except as otherwise provided by chapter 42.56 RCW and other applicable statutes.
3. **Location of Records.** The District's public records shall be maintained at the District headquarters station in the custody of the District Records Retention Officer who shall be responsible for the implementation of these rules.
4. **Hours for Inspection and Copying.** The District does not have sufficient staffing to operate regular staffed office hours. At such time as the District receives a request for inspection of public records the District Records Retention Officer shall coordinate inspection times with the requestor between the hours from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m.,

Monday through Friday, excluding legal holidays unless different inspection time is acceptable to both the District and the requestor.

**5. Requests for Public Records.** In accordance with the provisions of chapter 42.56 RCW public records may be inspected and copied, or copies obtained by members of the public as follows:

**5.1.** Requests shall be made in writing to the District Records Retention Officer on a form provided by the District and shall include the following information:

**5.1.1.** The name and address of the person requesting the record.

**5.1.2.** The time of day and calendar date on which the request is made.

**5.1.3.** The nature of the request

**5.1.4.** If the record requested is referenced in a current index maintained by the District, a reference to the requested record as it is described in such index.

**5.1.5.** If the requested record is not identifiable by reference to an index, an appropriate description of the record requested.

**5.1.6.** If the requested record is a list of individuals a signed statement that the information obtained will not be used for commercial purposes.

**5.2** All mailed requests shall contain the information described above and shall be mailed to the District headquarters station.

**5.3** In all cases in which a member of the public is making a request it shall be the obligation of the employee to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

**6. Exemption from Public Inspection.**

**6.1** The District reserves the right to determine that a record requested is exempt in whole or in part from public inspection under chapter 42.56 RCW or other applicable statutes.

**6.2** In accordance with RCW 42.56.070 the District reserves the right to delete identifying details when it makes available any public record or printout of a public record in any case where there is reason to believe that disclosure of details would be an invasion of personal privacy protected by chapter 42.56 RCW or other applicable statutes. The employee who deletes information shall fully justify the deletion in writing.

**6.3** All denials of requests for copies of public records or printouts of electronic public records shall be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record or portion of the record and a brief explanation of how the exemption applies to the record.

7. **Duties of Records Retention Officer.** The Records Retention Officer shall undertake the following analysis with respect to all records requests:
  - 7.1. The Records Retention Officer shall review the request form and shall review the requested record to determine the nature of the information contained in the record and to determine whether or not the release of the requested record is exempt from public inspection under chapter 42.56 RCW or other applicable statutes.
  - 7.3. If the record requested is classified as a medical record the Records Retention Officer shall determine whether the patient has authorized disclosure of the medical record pursuant to RCW 70.02.030. In the absence of patient authorization the Records Retention Officer shall determine whether the requester is an authorized recipient of the record as defined in RCW 70.02.050.
  - 7.4. If the disclosure of the record requested is restricted by any other federal or state statute, the Records Retention Officer shall comply with the restrictions or the procedure required for the release of the requested information.
  - 7.5. In the event it is determined that there would be no violation of the right to privacy by the disclosure of the record or any information contained in the record or that the information is not exempt from disclosure, the Records Retention Officer shall determine if the record may be inspected or copied in its entirety and if so, the inspection or copying shall be permitted.
  - 7.6. In the event the record contains confidential information and public information, the Records Retention Officer shall segregate the public information from the confidential information, prepare a copy of the record showing only the disclosable portion and release or permit copying of only the public information.
8. **Response to Request For Records.** The Records Retention Officer, within five business days after receipt of the request (within fifteen business days of a patient's request for the patient's medical records) shall take one of the following actions:
  - 8.1. In the event the Records Retention Officer determines that the request requires clarification, the Records Retention Officer shall acknowledge receipt of the request and ask the requester to clarify what record the requester is seeking. If the requester fails to clarify the request, the Records Retention Officer shall provide no further response.
  - 8.2. In the event the Records Retention Officer determines that a full response will take longer than five business days after receipt of the request the Records Retention Officer shall acknowledge receipt of the request and provide a reasonable estimate of when the District will respond. The determination of the time required to respond to the request will be based on a consideration of the following factors:
    - 8.2.1. Clarity of the request,
    - 8.2.2. Time required to locate and assemble the information requested,

- 8.2.3. Time required to notify third persons or agencies affected by the request,
- 8.2.4. Time required to determine whether any of the information requested is exempt,
- 8.2.5. Time required to obtain the consent of a person identified in the record if consent is required by statute.
- 8.2.6 Current staffing levels and essential job functions that must be performed by staff prior to locating and assembling the record requested.

8.3. Provide the record for inspection or provide a copy of the record if requested.

8.4. Deny the request.

8.4.1. All denials shall contain the information specified in paragraph 6.3.

8.4.2. Denials of a patient's request for the patient's medical records shall comply with the requirements specified in RCW 70.02.090.

## 9. Review of Denials.

9.1. Any person who objects to the denial of a request to inspect or copy a public record may petition for a prompt review of the decision by submitting a written request for review to the District Records Retention Officer.

9.2. Upon receipt of a written request for review of a decision denying inspection or copying of a public record, the District Records Retention Officer shall refer it to the District Review Authority. The District Review Authority shall promptly review the matter and either affirm or reverse the denial. The final decision shall be rendered to the individual who requested the record within two business days after the review request.

9.3. In the event the request for the record or information from the record is made by an elected or appointed official of the District, the information is deemed to be needed for the proper performance of the official's duties and consent to the release of the information is required but cannot be obtained, the official shall be required to sign a confidentiality agreement before being allowed access to the requested information.

9.4. Administrative remedies shall not be considered exhausted until the District has returned the request with the decision or until a period of five business days has elapsed after the denial of the request or after the review of the initial denial.

10. **Fees.** The following charges shall be imposed to reimburse the District for costs incurred in providing public records. In the event the District is requested to mail copies an additional charge in the amount of the actual or estimated postage and the cost of the container shall be made.

- 10.1. General Records.** With the exception of medical incident reports the District shall charge a fee of fifteen cents per page for providing a copy of each page of a District record.
- 10.2 Electronic Records.** With the exception of medical incident reports the District shall charge a fee of fifteen cents per page for providing a printout of a District electronic record.
- 10.2. Medical Incident Reports.** In accordance with chapter 70.02 RCW the District shall charge the rates established by the Department of Health (WAC 246-08-400) which until June 30, 2007 establishes a clerical fee for searching and handling requests for medical incident reports of \$21.00 for each report. In addition the District shall charge ninety-one cents per page for the first 30 pages and sixty-nine cents per page for all additional pages of each report copied or printed out.
- 10.3. Video and Audio Tapes.** The District shall charge the actual cost it incurs in commercially duplicating audio or visual tape records.
- 11. Records Index.** The District may not maintain a complete current index which provides identifying information as to all of the records maintained by the District when, due to staffing and resource levels, the creation of a complete index would be unduly burdensome to the District.

**Statutory Provisions that may affect the disclosure of records by a fire protection district**

Industrial Insurance .....	RCW 51.16.070 RCW 51.48.040 RCW 51.28.070
Juvenile Justice.....	Ch. 13.50 RCW
Alcohol & Drug Abuse Treatment.....	RCW 70.96A.150
Mental Health .....	RCW 71.05.390
Domestic Relations.....	RCW 26.09.225
Sexually Transmitted Diseases.....	Ch. 70.24 RCW
Health Care Information Act.....	Title 70 RCW
Background Checks .....	RCW 43.43.830 -.840 WAC 446-20-300
Open Public Records Act .....	Ch. 42.17 RCW
Address Confidentiality for Victims of Domestic Violence.....	Ch. 40.24 RCW
Mental Health Services for Minors .....	Ch. 71.34 RCW
Americans with Disabilities Act.....	42 USC Sec. 12101 <i>et. seq.</i>
Occupational Safety and Health Act .....	29 USC Sec 657 <i>et seq.</i>
Federal Law on Substance Abuse Records.....	42 USC Sec. 290dd-2
Washington Industrial Safety and Health Act.....	Ch. 49.17 RCW

Most of the Federal or State agencies that administer the above acts have adopted regulations to implement the acts. The regulations must be reviewed together with the acts when reviewing record requests.

## REQUEST FOR PUBLIC RECORDS

PER RULE 5.1&2 ABOVE, PRINT THIS PAGE AND MAIL TO:  
SPOKANE COUNTY FIRE DISTRICT #5  
17217 W. FOUR MOUND RD.  
NINE MILE FALLS, WA 99026

NAME OF REQUESTER: \_\_\_\_\_

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

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

PHONE: \_\_\_\_\_ DATE OF REQUEST: \_\_\_\_\_ TIME: \_\_\_\_\_

NATURE OF REQUEST:

1. Identification of records: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Inspection only \_\_\_\_\_

3. Number of copies requested \_\_\_\_\_

I have received the above record(s) requested and paid \$ \_\_\_\_\_ by cash/check.

Signature \_\_\_\_\_

=====

For Office Use Only:

Date \_\_\_\_\_

Time \_\_\_\_\_

(1) Request  
Granted \_\_\_\_\_

Record  
Withheld \_\_\_\_\_

Record withheld  
In Part \_\_\_\_\_

(2) If a consent is needed, name of individual: \_\_\_\_\_

(3) If withheld, identify the exemption contained in chapter 42.56 RCW or other applicable statute that authorizes the withholding of the record or part of record:

\_\_\_\_\_

(4) If withheld, explain how the exemption applies to the record withheld:

\_\_\_\_\_



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