

WHATCOM COUNTY FIRE PROTECTION DISTRICT #19

GLACIER FIRE AND RESCUE

PUBLIC RECORDS POLICY AND PROCEDURES

Whatcom County Fire Protection District #19 (also known as Glacier Fire and Rescue or GFR in this document) is required by RCW 42.56.100 to adopt and enforce reasonable rules and regulations, consistent with the intent of the Washington State Public Records Act (PRA), referenced in RCW Chapter 42.56 and the Model Rules of WAC 44- 14., and to provide access to public records, protect public records from damage and disorganization and to prevent excessive interference with other essential functions of Glacier Fire and Rescue. Glacier Fire and Rescue is also required to protect certain public records from disclosure subject to various legal exemptions.

This PRA Disclosure Policy establishes the procedures Glacier Fire and Rescue will follow to provide for the fullest assistance to requestors including the timeliest possible action on requests, while protecting public records from damage and preventing “excessive interference with other essential agency functions.” RCW 42.56.100. Glacier Fire and Rescue is required to respond to public records requests pursuant to Chapter 42.56 RCW.

Glacier Fire and Rescue is not required to respond to questions, do research, or to give information that is not the subject of an identifiable public record.

Except where these guidelines are mandated by statute, the guidelines in this policy are discretionary and advisory only and shall not impose any affirmative duty on Glacier Fire and Rescue. Glacier Fire and Rescue reserves the right to apply and interpret this policy as it sees fit, and to revise or change the policy at any time.

Failure to comply with any provision of these rules shall not result in any liability imposed upon Glacier Fire and Rescue other than that required in the PRA.

DEFINITIONS

1. “Public Record” includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by Glacier Fire and Rescue regardless of physical form or characteristics. RCW 42.56.010(2).

2. “Writing” means handwriting, typewriting, printing, photo stating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated. RCW 42.56.010(3).

3. “Identifiable record” means an identifiable record is one in existence at the time the records request is made, and that Glacier Fire and Rescue staff can locate after an objectively reasonable search.

4. “Exempt record” includes all Glacier Fire and Rescue records that are specifically exempted or prohibited from disclosure by state or federal law, either directly in RCW 42.56 or other statutes.

RESPONSIBILITY

Public Records Officer: Glacier Fire and Rescue’s Public Records Officer is the Secretary. The Fire Chief may also process public records requests, as needs require.

PROCEDURE

1. How to Request Records: Any person requesting access to public records or seeking assistance in making such a request must contact the Glacier Fire and Rescue Secretary at:

Glacier Fire and Rescue Secretary

P.O. Box 5029

Glacier, WA 98244

Phone: (360) 599-2447

Email: admin@glacierfire.org

2. Request Format: While there is no specific required format for a public records request, a requestor must provide Glacier Fire and Rescue 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 Public Records Officer to facilitate timely response to the request.

Glacier Fire and Rescue encourages requestors to issue requests for public records in writing on Glacier Fire and Rescue’s Standard Public Records Request Form, which is available from the Public Records Officer and from Glacier Fire and Rescue’s website. Requests may be submitted in person, by phone, by mail, or by e-mail. Requests will be considered received on the date the form is stamped “received”, not on the date sent.

Requests should include the following information:

- A. The requestor’s name, mailing address, and contact phone number.
- B. The date of the request.
- C. The nature of the request, including a detailed description of the public record(s) adequate for personnel to be able to locate the records.
- D. A statement regarding whether the records are being requested for a commercial purpose (RCW 42.56.070(9)).
- E. Whether the requestor desires copies, or to inspect the requested records; and,

requests for public records made orally must be made to the Public Records Officer or designee. If a request for public records is made orally to the appropriate individual, it will be confirmed by the Public Records Officer in writing within five (5) business days. If the requestor does not receive such written confirmation, the requestor should contact the Public Records Officer in writing to confirm that the request was received.

Please Note: A request for all or substantially all records prepared, owned, used, or retained by an agency is not a valid request for identifiable records pursuant to RCW 42.56.080.

3. Response to Requests: Glacier Fire and Rescue will process requests in the most efficient manner as the Public Records Officer deems appropriate. The Public Records Officer may ask a requestor to prioritize the record or records they are requesting so that the most important records may be provided first.

Within five (5) business days of receiving a request, Glacier Fire and Rescue will either: (A) provide the record; (B) provide an internet address and link on Glacier Fire and Rescue's web site to the specific records requested. If the requester notifies Glacier Fire and Rescue that they cannot access the records through the internet, then Glacier Fire and Rescue will provide copies of the record; (C) Acknowledge that Glacier Fire and Rescue (GFR) has received the request and provide a reasonable estimate of the time GFR will require to respond to the request; (D) Acknowledge that GFR has received the request and ask the requestor to provide clarification for a request that is unclear, and provide, to the greatest extent possible, a reasonable estimate of the time GFR will require to respond to the request if it is not clarified; or (E) Deny the public record request.

Additional time to respond may be based on the need to clarify the intent of the request, to locate and assemble the records, to redact confidential or exempt information, to prepare an exemption log, to notify third parties or agencies affected by the request and provide such parties/agencies with the opportunity to seek a court order preventing disclosure where appropriate, and/or to consult with Glacier Fire and Rescue's legal counsel about whether the records are exempt from disclosure. The Public Records Officer should briefly explain the basis for the time estimated to respond. Should an extension of time be necessary to fulfill the request, the Public Records Officer will provide a revised estimate and explain the changed circumstances that make it necessary.

If the requestor fails to respond to Glacier Fire and Rescue's request to clarify the request, and the entire request is unclear, Glacier Fire and Rescue will not respond. Otherwise, Glacier Fire and Rescue will respond only to those portions of the request that are clear.

If Glacier Fire and Rescue receives a request for public records identified in terms of "any and all documents related to" or similar language, and the requestor is unable or unwilling help narrow the scope of the documents being sought in order to expedite the request, let it be known that Glacier Fire and Rescue's response to this type of request will be as such:

Glacier Fire and Rescue is unable to interpret vague, broad, and general requests to decipher information in which specific documents may be of interest to the requestor. The Public Records Act does not allow a requestor to search through Glacier Fire and Rescue's files for records which cannot be identified or described to Glacier Fire and Rescue Staff.

Glacier Fire and Rescue is not authorized to provide lists of individuals for commercial purposes. The Public Records Officer may also seek sufficient information to determine if another statute or court order may prohibit disclosure. If the requestor fails to clarify an unclear request within fifteen (15) working days, Glacier Fire and Rescue will treat the request as having been withdrawn. RCW 42.56.520(3).

If the public record contains personal information that identifies an individual or organization other than the subject of the requested public record, Glacier Fire and Rescue may notify that individual or organization to allow the party to seek relief pursuant to RCW 42.56.540. Such relief may include a court injunction prohibiting release of the record because such an examination would not be in the public interest and would substantially and irreparably damage any person or vital governmental function. Glacier Fire and Rescue may take the above into account when providing an estimate of when the records will be available. Nothing in this policy is intended to, nor does it create any right to such notice.

When a request uses a phrase such as "all records relating to", the Public Records Officer may interpret the request to be for records which directly and fairly address the topic. Glacier Fire and Rescue may respond to a request to provide access to a public record by providing the requestor with a link to Glacier Fire and Rescue's website containing an electronic copy of that record if it can be determined that the requestor has internet access and the requestor agrees that the request has been satisfied. When the requestor has found the record or records they are seeking, the requestor should advise the Public Records Officer that the requested records have been provided and the remainder of the request may be cancelled.

4. Providing Records in Installments: When the request is for a large number of records, Glacier Fire and Rescue may provide access for inspection and copying in partial installments if reasonably determined that it would be practical to provide the records in that way. If the requestor does not contact the Public Records Officer within thirty (30) working days to arrange for the review of the first installment, Glacier Fire and Rescue may deem the request abandoned and may stop fulfilling the remainder of the request. Glacier Fire and Rescue may prioritize record requests received after commencing to fulfill the large request. RCW 42.56.120.

5. Electronic records: The process for requesting electronic public records is the same as the process for requesting paper public records. When a requestor requests records in an electronic format, if technically feasible, the Public Records Officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is reasonably translatable from the format in which Glacier Fire and Rescue keeps the record.

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

6. Documents Available on Website. Many public records are available on Glacier Fire and Rescue's website. The Public Records Officer may direct the requester to GFR's website to fulfill a records request.

7. Videos and Other Multimedia. Glacier Fire and Rescue business may be recorded by audio and or on video. All requests of video or other multimedia information or records shall state a date in which the event occurred as these digital files are not indexed as to the subject and are not word searchable.

8. No Duty to Create Records: This policy does not require Glacier Fire and Rescue to answer written questions, summarize data or information, create new public records, or provide information in a format that is different from original public records; however, Glacier Fire and Rescue may, in its discretion, create such a new record to fulfill the request where it may be easier for Glacier Fire and Rescue 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. WAC 44- 14-04003(5).

9. No Duty to Provide Information: This policy does not require Glacier Fire and Rescue to respond to requests for information, research, opinions or advice.

10. No Duty to Supplement Responses: Glacier Fire and Rescue is not obligated to hold current records requests open to respond to requests for records that may be created in the future. A new request must be made to obtain later-created public records.

11. Fees: Glacier Fire and Rescue has determined that it would be unduly burdensome to calculate the actual costs for providing public records. Accordingly, pursuant to RCW 42.56.120, the costs to be charged the requestor for public records are as follows:

a. Sixty-eight cents (\$.68) per page for photocopies of public records, printed copies of electronic public records when requested by the person requesting records, or for the use of Glacier Fire and Rescue's equipment to photocopy public records; provided, however, that at the Fire Chief's discretion, the first 25 pages may be provided at no cost.

b. Twenty cents (\$.20) per page for public records scanned into an electronic format or for the use of Glacier Fire and Rescue's equipment to scan the records.

c. Ten cents (\$.10) per each for electronic files or attachments uploaded to email, cloud-based data storage service, or other means of electronic delivery.

d. Twenty cents (\$.20) per gigabyte for the transmission of public records in an electronic format or for the use of Glacier Fire and Rescue's equipment to send the records electronically. Glacier Fire and Rescue shall take reasonable steps to provide the records in the most efficient manner available to Glacier Fire and Rescue in its normal operations.

e. The actual cost of any digital storage media or device provided by Glacier Fire and Rescue, the actual cost of any container or envelope used to mail the copies to the requestor, and the actual postage or delivery charge.

11.1 The charges set forth above may be combined to the extent that more than one type of charge applies to copies produced in response to a particular request.

11.2 Glacier Fire and Rescue may charge a flat fee of up to Five dollars (\$5.00) for any request as an alternative to fees authorized under 11 (a) - (e) of this subsection when Glacier Fire and Rescue reasonably estimates and documents that the costs allowed under this subsection are clearly equal to or more than Five dollars (\$5.00).

11.3 Glacier Fire and Rescue will not impose copying charges for access to or downloading of records that are routinely posted on Glacier Fire and Rescue's website prior to receipt of a request unless the requestor has specifically requested that Glacier Fire and Rescue provide copies of such records through other means.

11.4 If requested, Glacier Fire and Rescue will provide a summary of the applicable charges before any copies are made and the requestor may revise the request to reduce the number of copies to be made and reduce the applicable charges.

11.5 In addition to the charge imposed for providing copies of public records and for the use by any person of Glacier Fire and Rescue equipment copier costs, Glacier Fire and Rescue will include a customized service charge. A customized service charge is imposed if Glacier Fire and Rescue 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 Glacier Fire and Rescue for other Glacier Fire and Rescue purposes.

11.5.1 The customized service charge may reimburse Glacier Fire and Rescue up to the actual cost of providing the services in this subsection.

11.5.2 Glacier Fire and Rescue will assess a customized service charge only when Glacier Fire and Rescue has notified the requestor of the customized service charge to be applied to the request, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimate cost of the charge. The notice will also provide the requestor with the opportunity to amend their request to avoid or reduce the cost of a customized service charge.

11.5.3 Glacier Fire and Rescue may require a deposit in an amount not to exceed fifty percent (50%) of the estimated cost of providing copies for a request, including a customized service charge. If Glacier Fire and Rescue makes a request available on a partial or installment basis, Glacier Fire and Rescue may charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed, Glacier Fire and Rescue is not obligated to fulfill the balance of the request. Glacier Fire and Rescue may waive any charge assessed for a request pursuant to Glacier Fire and Rescue rules and regulations. Glacier Fire and Rescue may enter into any contract, memorandum of understanding, or other agreement with a requestor that provides an alternative fee

arrangement to the charges authorized in this section, or in response to a voluminous or frequently occurring request.

11.6 Medical Records. Pursuant to WAC 246-08-400, Glacier Fire and Rescue will charge a requestor the following fees for medical records: (A) A copying charge of one dollar and seventeen cents (\$1.17) per page for each page up to 30 pages and eighty-four cents (\$0.84) per page thereafter. (B) A twenty-six-dollar (\$26.00) clerical fee for searching and handling of medical records.

12. Deposit: Glacier Fire and Rescue may require a deposit of up to fifty percent (50%) of the estimated cost of copying records prior to copying any records for a requestor. Glacier Fire and Rescue may also require payment of the remainder of the cost before providing all the records, or the payment of the costs of copying an installment before providing that installment. RCW 42.56.120.

13. Preservation of Public Records: No member of the public may remove a public record from Glacier Fire and Rescue's property without the Public Records Officer's written 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 Glacier Fire and Rescue staff. Copies of public records may be copied only on copying machines of Glacier Fire and Rescue 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 Glacier Fire and Rescue storage areas is restricted to Glacier Fire and Rescue Staff.

14. Organization of Public Records: Glacier Fire and Rescue finds that maintaining an index as provided in RCW 42.56.070(3) for use by the public would be unduly burdensome and would interfere with Glacier Fire and Rescue operations given the high volume, various locations, and types of public records received, generated and otherwise acquired by Glacier Fire and Rescue. RCW 42.56.070(4). Notwithstanding the foregoing, Glacier Fire and Rescue will maintain its records in a reasonably organized manner and take reasonable actions to protect records from damage and disorganization.

15. Closing Abandoned or Unpaid Requests: If the requestor withdraws the request, fails to fulfill his or her obligations to inspect the records within thirty (30) days of notice that the records are available for inspection, or fails to pay the deposit, installment payment or final payment for the requested copies, Glacier Fire and Rescue personnel will close the request. Glacier Fire and Rescue personnel will document closure of the request and the conditions that led to closure. RCW 42.56.120.

16. Records Exempt from Public Disclosure: Glacier Fire and Rescue is not required to permit public inspection and copying of records for which public disclosure of the record is prohibited, restricted or limited by state law or federal statute or regulation. Glacier Fire and Rescue is prohibited by statute from disclosing lists of individuals for commercial purposes. RCW 42.56.070(9). The Public Records Act provides that several types of

documents are exempt from public inspection and copying. RCW 42.56.230 through 42.56.480 contains a large number of exemptions from public inspection and copying. Other statutes outside the Public Records Act may prohibit and exempt disclosure of certain documents or information. RCW 42.56.070(1). Glacier Fire and Rescue's failure to list an exemption shall not affect the effectiveness of the exemption.

17. Denial of Request Due to Exemption: All denials of requests for public records will be accompanied by a written statement specifying the reason(s) for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. RCW 42.56.210(3).

18. Mechanism for Review of Denial: Any person who objects to the denial of a public records request may petition in writing to the Public Records Officer for a reconsideration 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. The Public Records Officer shall perform a review of the denial as promptly as possible. Pursuant to state law, the review shall be deemed concluded at the end of the second business day following the denial to represent final action for the purposes of judicial review. RCW 42.56.530.

19. Retention of Records: Glacier Fire and Rescue is not required to retain all records it creates or uses. However, Glacier Fire and Rescue will follow RCW Chapter 40.14, Preservation and Destruction of Public Records, in the retention and destruction of public records. The Secretary of State, State Archives Committee approves a general retention schedule for local agency records that is common to most agencies. Individual agencies may seek approval from the Local Records Committee for retention schedules specific to their agency or that, due to their business needs, must be kept longer than provided in the general schedule. The retention schedule for local agencies is available at www.secstate.wa.gov/archives. Retention schedules for documents vary based on the content of the record. WAC 4414-03005.

20. Loss of Right to Inspect: Inspection shall be denied, and the records withdrawn by the Public Records Officer if the requestor, when reviewing the records, acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of Glacier Fire and Rescue.

21. Disclaimer of Liability: Neither Glacier Fire and Rescue nor any officer, employee, volunteer, official or custodian shall be liable, or shall a cause of action exist, for any loss or damage based upon a release of Public Records if the person releasing the records acted in good faith in attempting to comply with this policy. This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Despite the use of any mandatory terms such as "shall", nothing in this policy is intended to impose mandatory duties on Glacier Fire and Rescue beyond those imposed by state and federal law.

**Whatcom County Fire Protection District #19
Glacier Fire and Rescue
Public Records Request Form**

Instructions to Requestor:

In accordance with state law, within five business days of receiving a public record request, we will respond by either (1) providing the record; (2) acknowledging that Glacier Fire and Rescue has received the request and providing a reasonable estimate of the time Glacier Fire and Rescue will require to respond to the request; (3) denying the public record request; or (4) requesting clarification of the request.

This form should be completed in its entirety and may be emailed, mailed, or delivered in person, or the request may be made verbally. Verbal requests may require more time to process because they require the Public Records Officer to reduce the request to writing and verify with the requestor that the written form properly memorializes the request.

Send request to: Public Records Officer
 P.O. Box 5029
 Glacier, WA 98244
 Email: admim@glacierfire.org
 Phone: (360) 599-2447

Please indicate the following in reference to the charges and fees set forth in Glacier Fire and Rescue Public Records Policy and Procedure (check all that apply):

- ☐ I wish to inspect these records in person.
- ☐ I wish to inspect these records and then select records for copying or scanning.
- ☐ I wish to receive paper copies of these records.
- ☐ I wish to have paper copies mailed to me.
- ☐ I wish to have copies emailed to me or transmitted electronically.

Please also indicate the following

- ☐ The information requested is for commercial purposes. (RCW 42.17.270)
- ☐ I am a claimant against Glacier Fire and Rescue. (RCW 42.56.080)
- ☐ other

Please describe the records you are requesting in detail and any additional information that will assist us in locating this information for you as quickly as possible. Failure to provide sufficient information to identify the records may result in a denial of the request (WAC 44-14-04002(3)).

Date of Request: _____ Time of Request: _____
Requestor Name: _____ Phone Number: _____
Mailing Address: _____
Email Address: _____

Note: All communication (except delivery of records) between Glacier Fire and Rescue and the requestor will be via email if an email address is provided.

