



## Procedural Guidelines Policy 5.14: Public Records

*Latest Revision Date: July 20, 2016*

Except where mandated by statute, the procedural guidelines that support Policy 5.14: Public Records are discretionary and advisory. The Library reserves the right to apply and interpret these procedural guidelines at its discretion, and to revise or change these guidelines at any time.

### **1. Public Records Officer:**

The Library Director is designated as the Public Records Officer (PRO) for the North Olympic Library System.

### **2. Availability of Public Records:**

- A. **Index:** NOLS has determined that maintaining an index of records, as specified in RCW 42.56.070, is unduly burdensome, costly, and would interfere with Library operations due to the number and complexity of records generated as a result of the wide range of Library activities and locations.
- B. **NOLS website.** Many records are available on NOLS's website at [www.nols.org](http://www.nols.org). Requesters are encouraged to view the documents available on the website prior to submitting a records request.
- C. **Protocol for inspection/copying.** Public records are available for inspection and copying, by appointment only, during normal business days/hours (defined as Monday through Friday, 9am to 5pm, excluding library holidays). Requesters must inspect records in the Administrative Offices of the North Olympic Library System. Requesters are prohibited from removing records from the Administrative offices.

### **3. Making a Request for Public Records:**

Requests for information about the Library's public records or records request procedures should be addressed to the Library Director, using the contact information provided below. A response will be provided within 5 business days.

Any person wishing to inspect or request copies of any public record of the Library is asked to make the request on the Library's request form. The request form is available at any NOLS library, or on the NOLS website. Request forms should be addressed to the Public Records Officer and delivered in person or by mail to the Library Director, NOLS Administrative Office, 2210 S. Peabody St., Port Angeles, WA 98362, or by email to [Director@nols.org](mailto:Director@nols.org).

All requests, both for inspection or copies of public records, must be in writing, and must include the following information:

- Name, address, and telephone number/email address of the person requesting the record;
- Date on which the request was made;
- Description or identification of the public records requested, which is sufficient for the Public Records Officer or designee to locate the records (including author, title of document, and date, if known);
- Whether the requester intends to inspect the records, or obtain a photocopy or electronic copy of the records, at the established cost (see “Costs” section below);
- Preferred method by which the Library should contact the requester.

#### **4. Processing Public Records Requests:**

The Public Records Officer or designee will process all public record requests. Public record requests received at any NOLS library must be immediately sent to the Public Records Officer/Library Director.

Within five (5) business days of receipt of the request (day one is the first working day after the request is received) the Public Records Officer or designee will provide a response to the requester. That response may include one or more of the following:

- Make the records available for inspection; or
- Identify an internet location where the record can be accessed. Requesters who cannot access the internet may utilize a public computer in the Library to access the records or may request to be provided with hard copies; or
- If copies are requested, and terms of payment are agreed upon, provide the copies to the requester; or
- Provide reasonable estimate of when records will be available; or
- If the request is unclear or does not sufficiently identify the requested records, request clarification from the requester. Following clarification, the Public Records Officer or designee may revise the estimate of when records will be available; or
- Deny the request in full or in part. If a request is denied, a written statement setting out the specific reasons for the denial must accompany the denial.

Some records are exempt from disclosure, in whole or in part. If the Library believes that a record or portion of a record is exempt from disclosure and should be withheld, the Public Records Officer or designee will state the specific exemption and provide a brief explanation of why the record is being withheld, or a portion of the record is being redacted.

In the event the requested records contain information that may affect rights of others and/or may be exempt from disclosure, the Public Records Officer may, prior to providing the records,

give notice to those persons. Such notice should be given to make it possible for those receiving the notice to seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will typically include a copy of the request.

The Public Records Officer may seek legal advice regarding processing of requests when applicable.

#### **5. Adequate Search:**

The Library will conduct an adequate search to locate records responsive to the request.

#### **6. Inspection of Records:**

The Library will provide a space for persons to inspect public records, by appointment. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requester shall indicate which documents he or she wishes the Library to copy.

Parties requesting electronic records may be provided copies of the records on a CD or other storage device, may be directed to an internet address where the records can be accessed, or may receive records by email. Requesters who cannot access the internet may utilize a public computer in the Library to access the records or may request to be provided with hard copies;

The requester must make arrangements to claim or review the assembled records within thirty (30) days of being notified that the records have been assembled and are available.

If the requester fails to claim or review the records, or make other arrangements, within the thirty-day period, the Library will close the request and re-file the assembled records. Any future request for the same or almost identical records, even if received from the same requester, will be processed as a new request.

#### **7. Providing Copies of Records:**

After inspection is complete, the Public Records Officer or designee shall make the requested copies or arrange for copying. The requester shall pay any applicable deposit prior to copies being made. Full payment for copies must be received prior to delivery of the requested copies.

#### **8. Providing Records in Installments:**

When the request is for a large number of records or when a portion of responsive records is more readily available than others, the Public Records Officer or designee may 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 requester fails to inspect the available installments, the Public Records Officer may discontinue his/her search for the remaining records and close the request.

#### **9. Completion of Response to Inspect Records:**

When the search for requested records is complete and all requested records are provided for

inspection, the Public Records Officer or designee will indicate that the Library has completed a reasonable search for the requested records and made any located, nonexempt records available for inspection.

#### **10. Completion of Request:**

The Library's response to a request shall be deemed completed upon

- the requester's inspection of the requested records, or
- the Library's provision of the requested records, or
- notification that copies of non-exempt, requested records are available for payment and delivery or pickup, or
- notification that the request is denied in full or part, and provision of a written statement setting out the specific reasons for the denial, or
- notification that no responsive records exist.

#### **11. Closing Withdrawn or Abandoned Requests:**

A request will be deemed abandoned when the requester

- withdraws the request, or
- fails to fulfill his/her obligation to timely inspect assembled records, or pickup records, or
- fails to fulfill his/her obligation to timely pick up duplicated records
- fails to pay the required amount due for requested copies,

The Public Records Officer will close the abandoned request and so notify the requester.

#### **12. No Duty to Create New Records:**

The Library is not obligated to create new records to satisfy a records request; however, the Library may, at its own discretion, create such new records to fulfill the request where the Library deems that method of response more expedient.

#### **13. Exemptions:**

The Library 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. The Public Records Act (RCW 42.56) provides a number of exemptions from public inspection and copying, including, but not limited to, library records the primary purpose of which is to maintain control of library materials, or to gain access to information, that discloses or could be used to disclose the identity of a library user. Other statutes outside the Public Records Act may prohibit and exempt disclosure of certain documents or information.

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

#### **14. Costs of Providing Copies of Public Records:**

There is no fee for inspecting public records. Fees and charges for providing copies of public records are as follows:

***Charges for paper copies: (Photocopies and computer printing)***

Black and white – One sided \$0.10 per page  
Black and white – Two sided \$0.15 per page  
Non-standard photocopies (such as color copies, and photographs) will be charged at actual costs.

***Charges for electronic copies:***

There will be no charge for e-mailing existing electronic records to a requester, except where other cost applies. Costs for electronic records saved a storage device (such as a CD or flashdrive) for transmission to requester will be limited to the actual cost of the storage device and mailing costs, if applicable. If the record exists only as hard copy and the request is for electronic copy, ten cents (10¢) per page will be charged to cover the cost of producing the records in electronic format.

***Envelopes and/or packaging*** are charged at the actual costs of those supplies.

***Postage*** is charged at the actual cost of the postage.

***Charges for costs directly incident to providing copies:***

At the Library's discretion, staff time may be charged to the requester at actual cost for staff time spent in copying or scanning the requested records. If, at the Library's discretion, materials must be copied or scanned by an outside source due to volume, current workload of Library staff, and/or any other reason, the requestor will be charged the actual amount invoiced to the Library by the copying vendor.

***Payment of Public Records Requests costs:***

In the event a request is estimated to exceed \$25, the Library may require the requester to deposit 10% of the estimated cost prior to the duplication of records(s).

Payment may be made by cash, check, or money order payable to North Olympic Library System.

For minimal records requests the Library reserves the right to waive duplication fees for administrative convenience.

***15. Review Mechanism for Denial of Records***

In accordance with RCW 42.56.520, the Assistant Library Director is designated to conduct reviews of Public Record Request denials. Any requester who objects to the denial of a public records request may petition the Public Records Officer in writing for a review of that decision. Such review shall be conducted promptly and deemed completed at the end of the second business day following the denial of inspection. The review decision shall constitute final agency action on the request.

**16. Retention of Records:**

The Library will follow RCW 40.14, Preservation and Destruction of Public Records and apply the general local agency retention schedule developed by the Secretary of State, State Archives Committee in public record management. Under RCW 40.14 the Library is not required to retain all records it creates or uses. Retention schedules for documents vary based on the content of the record. A copy of the retention schedule is available at [www.secstatewa.gov/archives](http://www.secstatewa.gov/archives).

**17. Loss of Right to Inspect:**

Inspection shall be denied and the records withdrawn by the Public Records Officer if the requester, when reviewing the records, acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of the Library.

**Disclaimer of Liability:**

Neither the Library, nor any officer, employee, official, nor records custodian, shall be liable, nor 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 Policy 5.14 and the procedural guidelines thereto.

Policy 5.14 and the associated procedural guidelines are 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 Policy 5.14 or the procedural guidelines is intended to impose mandatory duties on the Library beyond those imposed by state and federal law.