

HASCO PUBLIC RECORDS DISCLOSURE PROCEDURE

The Public Records Act (The Act) Ch. 42.56 RCW requires public agencies to make identifiable, non-exempt public records available for inspection and copying on request. These procedures are published to inform the public how to access HASCO public records.

Definition of Public Record. "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 any state or local agency regardless of physical form or characteristics. This definition does not include records that are not otherwise required to be retained by the agency and are held by volunteers who: (a) Do not serve in an administrative capacity; (b) Have not been appointed by the agency to an agency board, commission, or internship; and (c) Do not have a supervisory role or delegated agency authority.

Public Records Officer. The public records officer is the Director of Administrative Services. The public records officer shall be responsible for implementing the Authority's rules and regulations regarding release of public records. The public records officer shall oversee compliance with the Public Records Act, but may designate other staff members to process requests for public records. Questions about and requests for public records should be directed to:

Jenisa Story, Public Records Officer
12711 4th Ave. W.
Everett, WA 98204
Telephone: (425) 290-8499 ext. 534
E-mail: PublicRecords@hasco.org
FAX: (425) 290-5618

Availability of Public Records.

a. Request for public records. Any member of the public may examine public records of the Authority by directing a request to the public records officer. A request for public records is necessary for the public records officer to locate the records being sought and determine if any exemptions from disclosure apply. The following information should be included in the request:

- Name and address of the requestor;
- Other contact information, including telephone number and/or e-mail address;
- Identification of the requested records adequate for the public records officer to locate the records; and
- The date of the request.

b. Public records request form. Requestors are asked to make their request for public records on the HASCO request form. A sample request form is attached to this procedure. It may also be found on the HASCO web-site: www.hasco.org under the Contact Us tab.

- c. Appointment required. When requested public records are ready for inspection, the public records officer will notify the requestor and set an appointment. Public records provided for inspection in response to a public records request will be made available for a period of up to thirty (30) days from the date that the requestor is notified that they are ready for inspection, unless other arrangements have been reached with the requestor.
- d. Hours for Inspection. Public records of the Authority shall be available for public inspection and copying at HASCO's main office during the business hours of 8:00 a.m. and 4:30 p.m. unless exempt from disclosure under chapter 42.56 RCW or other applicable law.
- e. Place of Inspection. The location of public records for inspection and copying purposes shall be 12711 4th Ave. W., Everett, WA 98204. A requestor shall not take Authority records from HASCO offices so that the integrity and security of the records will be assured.
- f. Organization of records. HASCO will maintain its records in a reasonably organized manner and HASCO will take reasonable actions to protect records from damage and disorganization.
- g. Retention of records. HASCO will retain its records in accordance with retention schedules established by the Office of the Secretary of State. Public records may not be destroyed according to a retention schedule if a public records request or actual or anticipated litigation is pending.

Responses to Public Records Requests.

- a. Acknowledging receipt and fulfilling requests. The public records officer shall respond to every public records request within five business days of receipt, unless she finds that the requested public records should not be disclosed for a reason permissible under chapter 42.56 RCW or other applicable exemption. Response by the public records officer shall be in the form of either (1) providing the record, (2) acknowledging receipt of the request and providing a reasonable estimate of the time the Authority will respond to the request, (3) denying the request; or, (4) where appropriate, requesting clarification of an ambiguous or unclear request and providing a reasonable estimate of time the Authority will respond to the request if it is not clarified.
- b. Reasonable estimate of time to fully respond. If not able to respond within the five-business day period, the public records officer 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 a withholding log, notify third party persons or agencies affected, or determine whether the records or some portion of them are exempt from disclosure. The public records officer should briefly explain the basis for the time estimated to respond. If the original time estimate has to be extended, the public records officer will provide a revised estimate and briefly explain why the additional time is necessary.
- c. Search for records. The public records officer is encouraged to communicate with the requestor to ascertain the most efficient and technically feasible manner to produce requested records.

d. Exemptions from disclosure. Some records are exempt from disclosure, in whole or in part. If the Authority believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemptions identified at that time and provide a brief explanation of why the record or a portion of the record is being withheld. The public records officer's initial identification of exemptions will not preclude the subsequent identification of additional exemptions and supplementation of the withholding log.

i. Withholding log. Where multiple documents are subject to exemption, the public records officer will prepare and provide the requestor with a withholding log, which identifies the exempt records or portions of records, specifies the applicable exemption for each and briefly explains why the exemption applies to the withheld record.

ii. Commercial purposes. HASCO is prohibited from disclosing a list of individuals for commercial purposes.

iii. Additional exemptions. In addition to the exemptions provided in The Act (Ch. 42.56 RCW), the following is a list of exemptions in other statutes or laws which may be applicable to HASCO public records:

Section 6 of the Housing Act of 1937;

The Privacy Act of 1974, 5 U.S.C. §552a (Privacy Act);

The Freedom of Information Act (FOIA), 5 U.S.C. § 552;

Section 208 of The E-Government;

The Housing and Community Development Act of 1987, 42 U.S.C. §1437d(q)(4), 42 U.S.C. § 1437d (t)(2), 42 U.S.C. § 3543; and

The Stewart B. McKinney Homeless Assistance Act of 1988, 42 U.S.C. § 3544

RCW 73.04.030 Veterans discharge papers exemption (see related RCW 42.56.440)

RCW 74.04.060 Applicants and recipients of public assistance

RCW 74.04.520 Food stamp program confidentiality

RCW 74.09.900 Medical assistance

RCW 71.34.225 Release of mental health services information

RCW 71A.14.070 Records regarding developmental disability – confidentiality

RCW 70.123.075 Client records of domestic violence programs

RCW 71.05.390 Information about mental health consumers

Ch. 70.02 RCW applies to mental health records

RCW 27.53.070 Records identifying the location of archaeological sites

RCW 26.44.010 Privacy of reports on child abuse and neglect

RCW 13.50.100 Juvenile/children records not relating to offenses

RCW 5.60.060 Privileged communications (including the attorney-client privilege)

The above is a good faith listing but is not necessarily exhaustive.

iv. Privacy of others. If the requested records contain information which may affect the rights of others and be exempt from disclosure, the public records officer in their discretion may provide notice of the pending release of those records to such third parties so that they may seek a judicial order preventing or limiting disclosure. Ordinarily, such third parties will be given ten (10) days to seek such a judicial order before the records are released although the discretion to release or withhold records under this section shall remain with HASCO at all times.

v. Redaction. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the records are being redacted.

e. Clarification. The public records officer may request clarification of a request that is not clear or does not sufficiently identify the requested records. If the requestor does not respond to the request for clarification within thirty (30) days of the request for clarification, and the entire request is unclear, the public records officer need not respond to it. Otherwise, the public records officer must respond to those portions of the request that are clear.

f. Order for processing requests. The public records officer will process requests in the order allowing the most requests to be processed in the most efficient manner.

g. Providing records in installments. When a request is for a large number of records, the public records officer will provide access for inspection and copying in installments if she reasonably determines that it would be practical to provide the records in that way. If the requestor fails to inspect the records provided within thirty (30) days, the public records officer may stop searching for the remaining records and close the request.

h. Later discovered documents. If, despite objectively reasonable efforts to locate and provide requested records originally, the public records officer becomes aware of additional responsive documents that existed on the date of the request, she shall promptly inform the requestor of the additional documents and provide them on an expedited basis.

Copies.

a. Copies on request. If the requestor wishes to have copies made instead of simply inspecting the documents, the requestor shall indicate to the public records officer which documents he or she wishes to have copied.

b. Copy costs. The charge for standard black-and-white copies is fifteen cents per page. If an outside vendor must be retained to duplicate records in non-routine formats such as photographs, blueprints or tape recordings, the actual cost will be charged to the requestor. The requestor will also be charged the actual cost if a commercial copying vendor is used due to the size or difficulty of the request.

c. Other costs. Actual faxing and mailing costs may be charged if incurred to respond to the request.

d. Prepayment. The public records officer may require a deposit of up to ten percent of the estimated costs of copying the records in advance. She may also require 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.

Electronic Records.

a. Records on the Web-site. A variety of records are available on HASCO's web-site: www.hasco.org. Where mutually agreeable, HASCO may provide requested public records on its web-site.

b. Electronic form of records. HASCO maintains some records in electronic format but some records are not kept electronically but rather in paper or other format.

c. Providing public records electronically. For those seeking records in electronic format, HASCO may provide access to electronic public records by providing records on disk, or by transmitting the responsive record via e-mail. If the requested document(s) are not kept in electronic format, the requestor may ask that the record(s) be scanned into electronic format. The public records officer will work with the requestor to determine the most appropriate method for providing electronic copies of responsive records. The public records officer should offer to produce electronic records in a technically feasible format that also allows for redaction, such as in PDF or tiff.

d. Cost of electronic records. The charge for records scanned into an electronic format is ten cents per page; plus five cents per page for every four electronic files/attachments uploaded to an email, cloud storage service, or other electronic delivery system; plus ten cents per gigabyte for transmitting records electronically. Documents may also be provided by copying the documents to a disk or other external storage device. The cost of making copies to a disk or other external storage device, whether or not the documents are kept in electronic form, shall include the price incurred by HASCO for the disk or other storage device.

Review of Claimed Exemption(s).

a. Denial of disclosure request. If the public records officer denies all or part of any public records request, that denial shall promptly be forwarded to the Executive Director or his designee for review. If the Executive Director or designee does not take action within two business days to alter the decision denying access to the HASCO record(s), the decision shall become the final decision of the Authority.

b. Internal appeal. Any person who objects to the initial denial or partial denial of a records request may petition for a review of that decision by the Executive Director within fifteen (15) business days of receipt of denial. The Executive Director or their designee shall promptly review the appeal and make their best effort to render a decision to the appellant within fifteen (15) business days depending on the scope and nature of the appeal issues.

c. Judicial review. Any person may obtain court review of the final decision of the Authority in accordance with Ch. 42.56 RCW regardless of any internal administrative appeal.

Equal Access to Public Records. As with access to all its public services, HASCO will make reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy access to public records as provided by law for all members of the public. Complaints that public records are not accessible to persons with disabilities should be directed to the ADA Coordinator.