

ORCAS ISLAND HEALTH CARE DISTRICT POLICY # _
PUBLIC RECORDS POLICY

Section 1. Introduction. The Orcas Island Health Care District (the “District”) is required to adopt and enforce reasonable rules and regulations for compliance with the Washington State Public Records Act (“PRA”), and to provide access to public records, protect public records from damage and disorganization and prevent excessive interference with other essential functions of the District. The District is also required to protect certain public records from disclosure subject to various legal exemptions.

Section 2. Policy. This policy establishes the procedures the District will follow to provide for the fullest assistance to persons requesting public documents from the District while protecting public records from damage and preventing excessive interference with other essential District functions.

Except where these guidelines are mandated by statute, the guidelines in this policy are advisory only and shall not impose any affirmative duty on the District. The District reserves the right to apply and interpret this policy as it deems appropriate, and to revise or change this policy at any time. Failure to comply with any provision of this policy shall not result in any liability imposed upon the District other than that required in the PRA.

Section 3. Definitions.

- 3.1- Public Record. A “public record” includes any writing containing information relating to the conduct of the affairs of the District or the performance of any governmental or proprietary function prepared, owned, used, or retained by the District regardless of physical form or characteristics whether that record resides in the District’s facilities or on District equipment or is in the possession of or resides on the personal equipment of a District Commissioner, executive or employee, except for certain records of volunteers excluded by RCW 42.56.010(3).
- 3.2 Writing. A “writing” means handwriting, typewriting, printing, photostatting, 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 any 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. Writing also includes emails, texts, social media postings and databases.

- 3.23- Identifiable Record. An “Identifiable record” means a record in existence at the time the records request is made and that the District’s PRO or the District’s staff can locate after an objectively reasonable search.
- 3.4 Exempt Record. An “exempt record” includes all District records that are specifically exempted or prohibited from disclosure by state or federal law.
- 3.5 Public Records Officer. The “Public Records Officer” or “PRO” is the person designated by the Board of Commissioners of the District to serve as the point of contact for persons seeking public records. The PRO is responsible for providing the “fullest assistance” to persons requesting public documents, maintaining the public records of the District in a reasonably orderly manner; ensuring that public records are protected from damage or disorganization; and preventing excessive interference with essential functions of the District. The PRO may designate one or more members of the District’s staff to fulfill some or all of the PRO’s responsibilities set forth in this Policy.
- 3.6 Office Address. The District’s address for requesting public records is 14 Lavender Lane, Eastsound, WA 98245 or by mail at P O Box 226, Eastsound, WA 98245-0226.

Section 4. Procedure for Requesting Documents.

- 4.1 Request Format. While there is no specific required format for a public records request, a person requesting public documents (the “requestor”) must provide the District 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 PRO to facilitate timely response to the request.
- 4.2 4.2 Required Information. All requests to inspect or copy public documents should be in writing in a letter, fax, or email addressed to the PRO at the email address indicated on the District’s website at <https://orcashealth.org/contact-us/>, or through the District’s website at <https://orcashealth.org/public-records-requests/> or by submitting the request in person to the PRO. All requests, in whatever format, must include the following information:

Anonymous

- A. The requesting person’s name (unless the requestor wishes to remain anonymous); and a mailing address, email address and-or 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 the District personnel to be able to locate the records;
- D. A statement regarding whether the records are being requested for a commercial purpose; and

Commented [DM(1): I just looked at the website and it does not have an email address. I don’t think your staffing numbers are very large but it may still be wise to create the PRA mailbox so that you don’t have to re-do the policy later. The downside is that this will put a duty on you to watch that mailbox. This does beg the question of whether you have a plan for when you go on vacation.

Commented [DM(2): The law allows for anonymous requests. If the requestor does not give their name, but does provide sufficient contact information like an email address or mailing address you still have to respond. If they don’t give any of it you have another problem.

Commented [DM(3): The agency has an independent duty to make the determination whether the release would violate 42.56.070(8)’s commercial purpose restrictions but it may help to qualify this by saying that if the request is for list of individuals...

E. Whether the requestor desires copies, or to inspect the requested records.

- 4.3 Website Requests. The District maintains a website at <https://orcashealth.org/> that contains many of the District's public records and a form at <https://orcashealth.org/public-records-requests/> for electronically requesting a copy of the District's public records. The form is attached as Exhibit A to this policy. Requestors are encouraged to view records available on the website prior to submitting a records request to conserve taxpayer resources. Requestors are encouraged to use the website form to make public records requests. The District may respond to a request to provide access to a public record by providing the requestor with a link to the District'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.
- 4.4. Written Requests. Written public records requests may be submitted to the District at its mailing address at P O Box 226, Eastsound WA 98245-0226.

Section 5. Response to Requests.

- 5.1 Request Log. Upon receipt of a request, the District will assign it a tracking number and log it in the request log, noting the identity of the requestor if provided by the requestor, the date the request was received, and the text of the original request.
- 5.2 Response to Requests. The District will process requests in the most efficient manner as the PRO deems appropriate. The PRO or designee will evaluate the request according to the nature of the request, volume, and availability of requested records. Within five (5) business days of receiving a request, the PRO or designee will:
- A. Provide a copy of the record(s) or provide the internet address and link where the records can be found on the District's website if the requestor can access the records electronically; or
 - B. If the records cannot be provided within five (5) business days, acknowledge that the request has been received and provide a reasonable estimate of the time the District will need to provide the requested records or a first installment of the records; or
 - C. If all or a portion of the request is unclear, acknowledge receipt of the request and ask the requestor for clarification of any unclear portion of the request while providing a reasonable estimate of the time it will take to respond to the clear portion of the request (if the entire request is unclear then the District shall notify the requestor that it will not respond to the request if it is not clarified); or
 - C. Deny the request.

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- 5.3 Failure to respond. If the District does not respond to a request within five (5) business days, the requestor ~~may should~~ contact the PRO to determine the reason for the failure to respond [including verifying the District received the request.](#)
- 5.4 Additional Time. Additional time to respond may be needed based on the need to clarify the ~~intent records sought by~~ the request, to locate and assemble the records, to redact confidential or exempt information, to prepare a withholding index, to notify third parties or agencies affected by the request and provide those parties/agencies with the opportunity to seek a court order preventing disclosure where appropriate, and/or to consult with the District's legal counsel about whether the records are exempt from disclosure. The PRO should briefly explain the basis for the time estimated to respond. Should an extension of time be necessary to fulfill the request, the PRO will provide a revised estimate and explain the changed circumstances that make it necessary.-.
- 5.5 Scope of Request. In order to conserve taxpayer resources, if the District receives requests for public records identified in terms of "any and all documents related to" or similar language, the PRO will ask the requestor to help narrow the scope of the documents being sought in order to expedite the District's response and/or reduce the volume of potentially responsive documents. If the requestor is unable or unwilling to narrow the scope of the request, the PRO is allowed to err on the side of producing more rather than fewer documents in response to such a broad, general request. When a request uses a phrase such as "all records relating to", the PRO may interpret the request to be for records which directly and fairly address the topic. District staff shall not be obligated to interpret such a broad, general request in order to decipher which specific documents may be of interest to the requestor and the PRA does not allow a requestor to search through the District's files for records which cannot be identified or described to the District.
- 5.6 Commercial Purposes. The District is not authorized to provide lists of individuals for commercial purposes. [Requestors will be required to submit sufficient information for the District to determine whether release of records is prohibited. Depending on the circumstances or information provided the District may ask for additional information.](#)
- 5.7 Unclear or Incomplete Requests. If the requestor fails to clarify an unclear request within thirty (30) working days, and the entire request is unclear, the District will treat the request as having been ~~abandoned or~~ withdrawn. If the requestor does not provide all of the information required by Section 4.2, the PRO shall respond to the request to the extent feasible and consistent with the law.
- 5.8 Personal Information. If the public record contains information that may 5 affect the rights of others, the District may, prior to providing the records, give

notice to those whose rights might be affected and provide them with a copy of the public records request to allow the party to seek relief pursuant to RCW 42.56.540. The District 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.

- 5.9 Providing Records in Installments. When the request is for a large number of records, the District may provide access for inspection and copying in partial installments if the PRO reasonably determines that it would be practical to provide the records in that way. The PRO may ask a requestor to prioritize the records he or she is requesting so that the most important records may be provided first. If the requestor does not contact the PRO within thirty (30) working days to arrange for the review of an installment after it is made available, the District may deem the request abandoned and may stop fulfilling the remainder of the request. The District may prioritize record requests received after commencing to fulfill the large request. When the requestor has found the records he or she is seeking, the requestor should advise the PRO that the requested records have been provided and the remainder of the request may be cancelled.

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- 5.10 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 PRO will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the District and is generally commercially available; or will provide the records in a format that is reasonably translatable from the format in which the District keeps the record. The District may provide customized access under RCW 42.56.120 if 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 the District for other agency purposes. The District may charge a fee consistent with RCW 42.56.120 for such customized access

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- 5.11- No Duty to Create Records. This policy does not require the District 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, the District may in its discretion, create such a new record to fulfill the request where it may be easier for the District 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.
- 5.12- No Duty to Provide Information. This policy does not require the District to respond to requests for information, research, opinions or advice. Requests for information, research, opinions, advice, or similar requests will not be responded to pursuant to this policy.
- 5.13- No Duty to Supplement Responses. The District 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.

- 5.14- No Duty to Respond to BOT Requests. The District is not obligated to respond to a records request that it reasonably believes was automatically generated by a computer program or script if the District has already received one or more requests from the requestor during the preceding twenty-four (24) hours.
- 5.15- Fees: The District will charge the statutory fees set forth in RCW 42.56.120, which are set forth on the fee list attached as Exhibit B, a copy of which will be maintained by the District on its website at <https://orcashhealth.org/public-records-requests/>. No sales tax will be charged on copies made by the District at its facilities. If the District sends the public records to an outside vendor for copying, the District will charge the actual fees incurred, provided having the outside vendor copy the records is quicker and less expensive than having District staff make the copies. Fees may be waived ~~if fewer than 25 due to the small number of copies are made or less than 25 pages are scanned~~ other circumstances. Payment of fees is required prior to release of records unless other arrangements have been made.
- 5.16- Deposit: The District may require a deposit of up to ten percent (10%) of the estimated cost of copying records, including any customized service charges, prior to copying any records for a requestor. The District may also require payment of the remainder of the cost or charges before providing the records, or the payment of the costs of copying an installment before providing that installment.
- 5.17- Closing Abandoned, Withdrawn or Unpaid Requests: If the requestor withdraws the request, fails to provide clarification for a an entirely unclear 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, fails to retrieve records from the District at the District office or provided through electronic file transfer, or fails to pay the deposit, installment payment or final payment for the requested copies, District personnel will close the request. District personnel will document closure of the request and the conditions that led to closure and unless the District has already indicated in previous correspondence that the request would be closed under the above circumstances, notify the requestor that the request has been closed.
- 5.18- Completion of Records Search. When the PRO or designee has completed his or her search for requested records, the PRO will indicate to the requestor that the District has completed a reasonable search for the requested records and made any nonexempt records that it located available for inspection and copying. If no records were discovered, the PRO should describe, in general terms, the locations searched. The PRO or designee shall note in the request log a description of each record that was provided and each record that was 7

redacted or withheld and the reasons for redacting or withholding, along with the date of the final disposition of the request.

- 5.19 Later Discovered Records. If, after the District has informed the requestor that it has provided all available records, the District becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents, including a brief explanation of the circumstances and provide the nonexempt records on an expedited basis.

Section 6. Inspection of Records.

- 6.1 Time of Inspection. Public records will be made available for inspection and copying at the ~~Office Address~~District Office by prior arrangement Monday through Friday from 9:00 a.m. to 4:00 p.m., excluding the lunch hour (Noon – 1:00 p.m.) and excluding legal holidays. District personnel and the requestor may make mutually agreeable arrangements for time(s) of inspection and copying.
- 6.2 Space for Inspection. To the extent possible, the PRO shall promptly provide space to inspect public records at the Office Address.
- 6.3- Oversight of Inspection. The District deems it necessary, in order to comply with the PRA's mandate to protect public records, to require that inspections of public records be conducted in the presence of the PRO or designated staff. The District will make every effort to provide staff to oversee the expeditious inspection of public records without unduly compromising or unreasonably interfering with the essential functions of the District. All assistance necessary to help requestors locate and inspect particular responsive records shall be provided by the PRO, provided that the giving of such assistance does not unreasonably disrupt the daily operations of the PRO or other duties of any assisting employee(s). In accommodating a request for public records inspection, the District may consider the size of the request, the ease with which the requested records can be made available for inspection, and special accommodations requested by the requestor in order to inspect the records, the availability (schedule) of the requestor to conduct the inspection, the availability of District staff to observe the inspection, the time constraints on staff availability imposed by other current District business, and any other relevant circumstance.
- 6.4- Copying of Inspected Records. After inspection is complete, the requestor shall indicate which documents he/she wishes to have copied using a non-permanent method of marking the desired records as approved by the PRO. The PRO will arrange for copying.

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Section 7. Exempted Records

- 7.1 Records Exempt from Public Disclosure: The District 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, including RCW 42.56.230(3), RCW 42.56.230(5), RCW 42.56.250 (2), RCW 42.56.250 (4), RCW 42.56.260, RCW 42.56.280, RCW 42.56.290, RCW 5.60.060(2), RCW 7.07.050(5), RCW 7.07.070, RCW 39.26.030(2), RCW 19.108, and RCW 43.70.050(2). The District's failure to list an exemption in a denial of inspection or copying shall not affect the effectiveness of the exemption. The PRO may also seek sufficient information to determine if a statute or court order may prohibit disclosure
- 7.2 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. If only a portion of the record is exempt from disclosure, the PRO will redact the exempt portion and provide the remainder of the record with an explanation of the reason for redacting portions of the record.
- 7.3 Mechanism for Review of Denial. Any person who objects to the denial of a public records request may petition in writing to the PRO for a review ~~by the District's legal counsel of that decision~~. The petition shall include a copy of or reasonably identify the written statement by the PRO or designee denying the request. The PRO shall provide a copy of the petition and any other relevant information to the ~~individual designate by the District's Board~~ District's legal counsel, who shall perform a review and either affirm or reverse the denial as promptly as possible but in any event within two (2) business days of the District's receipt of the petition, unless otherwise agreed by the District and the requestor.
- 7.4 Judicial Review of Denial. A requestor may seek judicial review of any denial two (2) business days after the District denies a request regardless of any petition to review the denial.

Section 8. Preservation of Public Records: No member of the public may remove a public record from the ~~Office Address~~ District Office or other location where the records are being inspected ~~without the PRO's 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 District staff. Copies of public records may be copied only on District copying equipment unless other arrangements are made by the PRO. No food or drink will be permitted during the inspection of public records. Access to file cabinets, shelves and other District storage areas is restricted to authorized District staff.

Section 9. Organization of Public Records: The District has determined that maintaining an index of records would be unduly burdensome for the District's staff and could interfere with the District's operations and has adopted a resolution stating its findings ⁹

and providing that an index of records will not be maintained. The District has directed the Superintendent to maintain the District's records in reasonable order and to post any indexes that the District creates on its website

Section 10. Retention of Records: The District is not required to retain all records it creates or uses. However, the District 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. The retention schedule for local agencies is available at www.sos.wa.gov/archives. Retention schedules for documents vary based on the content of the record.

Section 11. Loss of Right to Inspect. Inspection shall be denied and the records withdrawn by the PRO 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 the District.

Section 12. Disclaimer of Liability: Neither the District nor any Commissioner, officer, employee, official or 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 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 the District beyond those imposed by state and federal law.

Adopted: July 3, 2018
Amended October __, 2018

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EXHIBIT A
ORCAS ISLAND HEALTH CARE DISTRICT
PUBLIC RECORDS REQUEST FORM

Requester's Name:

Mailing Address:

Phone: _____

Email: _____

Describe the records you are requesting and provide any additional information to help locate the records, such as author, recipient, title, and pertinent dates. Attach additional pages if necessary:

After requested records are retrieved, I would like to:

- Inspect the records (no charge)
- Pickup hard copies
- Receive hard copies via mail
- Receive electronic copies via email; or
- Other (specify: _____)

I understand that there will be a fee for records delivered to me. See the fee schedule posted at <https://orcashealth.org/public-records-requests/>.

If my request is for a list of individuals, I certify under penalty of perjury under the laws of the state of Washington that the information obtained through this request will not be used for commercial purposes.

Signature and Date

EXHIBIT B	
Orcas Island Health Care District Fee Schedule	
Inspection:	
No fee	Inspection of agency records on agency public internet web site or scheduled at agency office.
No fee	Accessing or downloading records the agency routinely posts on its public internet web site, unless the requestor asks the agency for records to be provided through other means (the following copy charges below then apply).
Copies:	
15 cents/page	Photocopies, printed copies of electronic records when requested by the requestor, or for the use of agency equipment to make photocopies.
10 cents/page	Scanned records, or use of agency equipment for scanning.
5 cents/each 4 electronic files or attachment	Records uploaded to email, or cloud-based data storage service, or other means of electronic delivery.
10 cents/gigabyte	Records transmitted in electronic format or for use of agency equipment to send records electronically.
Actual cost	Digital storage media or devices (<i>list</i>):
	• CD
	• DVD
	• Thumb drive
	• Other

EXHIBIT B

Orcas Island Health Care District Fee Schedule

Actual cost	Postage or delivery charges – Specific amount based upon postage/delivery charges for specific mailings or deliveries.
<i>↑ Copy charges above may be combined to the extent more than one type of charge applies to copies responsive to a particular request.</i>	
Actual cost	Data compilations prepared or accessed as a customized service (cost is in addition to above fees for copies).