



PUBLIC RECORDS DISCLOSURE POLICY

Approved by: Tim Culbertson, General Manager	Version: Reprint	Effective Date: 8/3/2009
Management Team Approval: 7/13/2009	Commission Resolution No. 8394	

PURPOSES

1. The purpose of this policy is to establish the processes Public Utility District No. 2 of Grant County, Washington (District) will follow to provide the public full access to public records, mindful of an individual’s privacy rights and the desirability of the efficient administration of government. This policy is intended to provide information to persons wishing to request access to public records of the District and establish processes for both requestors and District staff that are designed to best help the public in obtaining such access.
2. In 2005, the Washington State Attorney General adopted advisory “model rules” for state and local agencies, found in the Washington Administrative Code (WAC) at Chapter 44 -14, to help them develop their own effective policy. The model rules are advisory only and do not bind the District, but the District has reviewed and incorporated applicable provisions of the model rules into this policy.
3. The Public Records Act (the Act), Chapter 42.56 RCW, and this policy will be interpreted in favor of disclosure. In carrying out its responsibilities under the Act, the District will be guided by the provisions of the Act describing its purposes and interpretation.

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 any state or local agency regardless of physical form or characteristics.
2. “Writing” means handwriting, typewriting, printing, photostating, 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 or punched cards, discs, drums, diskettes, sound recordings, and other documents, including existing data compilations from which information may be obtained or translated.

3. "Identifiable Record." An "identifiable record" is one that District staff can reasonably locate. An "identifiable record" is not a request for "information" in general.
4. "District" means Public Utility District No. 2 of Grant County, Washington.
5. "Public Records Officer" means the individual appointed by the District, to serve as a point of contact for members of the public in requesting disclosure of public records.
6. "Exempt Information" means any information that may be redacted or is exempt from disclosure pursuant to the Public Records Act.
7. "Redact" means to black out exempt information from a document prior to it being made available for inspection and/or copying.

ORGANIZATION, ADDRESS, CONTACT INFORMATION, PUBLIC RECORDS OFFICER AND AVAILABILITY OF PUBLIC RECORDS

1. The District is a municipal corporation of the State of Washington and is administered by a Commission of five members. The service area is co-extensive with the area of Grant County. The District has its main headquarters office located at "30" C Street, S.W., Ephrata, Washington. The Hydro Division engineering offices are located at 15655 Wanapum Village Lane S.W., Beverly, WA 99321. Several local offices are also maintained for customer service within Grant County.
2. The public may make requests, inspect non-exempt Public Records or obtain copies at the District's main headquarters office between 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.
3. Any person wishing to request access to Public Records of the District, or seeking assistance in making such a request should contact the District's Public Records Officer:

Public Records Officer
Grant County PUD
PO Box 878
30 "C" Street SW
Ephrata, WA 98823
Telephone Number: (509) 754-5016
Fax. No. (509) 754-6770
Email: PubRec@gcpud.org

4. The Public Records Officer shall oversee compliance with the Act but another District staff member, or designee, may process or otherwise assist with the request. The Public Records Officer or designee will implement the District's policies and procedures regarding release of public records, provide the fullest assistance to requestors, ensure that public records are protected from damage or disorganization, and prevent excessive interference with essential functions of the District.

REQUESTS FOR PUBLIC RECORDS

1. A request shall be made in writing in the form of a letter, an email, or upon a form prescribed by the District, which shall be available at the District's Ephrata office or online at www.gcpud.org/aboutus/publicrecords and can be delivered in person to: 30 C Street SW, Ephrata, WA, Via US Mail, addressed to GCPUD, Attn: Public Records, P.O. Box 878, Ephrata, WA 98823, Via email to PubRec@gcpud.org, or Faxed to: (509) 754-6770. The request shall include the following information:
 - a. Name
 - b. Mailing Address
 - c. Telephone number
 - d. Email Address (if available)
 - e. Request Date
 - f. Identification of the public record(s) requested so that the Public Records Officer or designee can identify and locate the record
 - g. If the requestor wishes to have copies of the record(s) made instead of simply inspecting them, the requestor should so indicate, designate the format in which the requestor would prefer to receive the records and make suitable payment arrangements prior to the documents being mailed.
2. The District is prohibited by law from providing a list of individuals for commercial use. If the request involves a list of individuals, the requestor must complete a public records request form and affirm that the list will not be used for a commercial purpose and abide by other conditions of release as the District may deem appropriate.

PROCESSING RECORD REQUESTS -- GENERAL

1. The District will respond, in writing, within five (5) business days of receipt of the request by doing one or more of the following:
 - a. Make the records available for inspection or copying. If copies are requested and terms of payment are agreed upon, copies will be sent to the requestor;
 - b. Provide a reasonable estimate of time the District will require to respond to the request;
 - c. Request clarification if the request is unclear, or does not sufficiently identify the requested records;
 - d. Deny the record request in whole or in part
2. Additional time required to respond to a request may be based upon the need to clarify the intent of the request, locate and assemble the record(s) requested, notify third persons or agencies affected by the request and allow them time to take action to modify the request or prevent disclosure, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

3. If the requestor fails to respond to the District's request for clarification within (30) days, the District will consider the request abandoned and will send a closing letter to the requestor.
4. In the event that requested record(s) contain information that may affect the rights of others who may be named in the record(s) and which may be exempt from disclosure, the Public Records Officer or designee may, prior to providing the record(s), give notice to such others named or whose rights may be affected by the disclosure of the record(s), allowing them a reasonable amount of time to seek an injunction to prevent or limit disclosure. The notice to the affected persons may include a copy of the request. The District may take this into account when providing an estimate of when the records will be available for review.
5. Some records are exempt from disclosure in whole or in part. If the District believes that 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 records or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the Public Records Officer will:
 - a. Redact the exempt portions;
 - b. Provide the nonexempt portions; and
 - c. State the specific exemption and explain why a portion of the record has been redacted.

6. Inspection of Records

Consistent with the availability of resources, time and other demands, the District will promptly provide space for the requesting party to inspect public records. To protect public records from damage or disorganization as required by the Act, the following procedures and practices should be followed:

- a. No public record shall be removed from District's premises;
- b. Inspection of any public record shall be conducted in the presence of the Public Records Officer or designee;
- c. No public record may be marked, defaced, torn, damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public;
- d. 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;
- e. The requestor shall indicate which documents he or she wishes the District to copy;
- f. After inspection is complete, the Public Records Officer or designee will make the requested copies or arrange for copying.

Inspection shall be denied and the records withdrawn by the Public Records Officer if the requestor, when reviewing records, acts in a manner which will damage or

substantially disorganize the records or interfere excessively with other essential functions of the District.

7. In response to a request for a large number of documents, the Public Records Officer or designee may elect to provide records on an installment basis.
8. If the requestor does not claim or review the entire set or an installment of assembled records, or fails to pay the deposit or final payment for requested copies within (30) days of notification that records are available for inspection, copying or pick up, the Public Records Officer or designee may consider the request abandoned, close the request, and re-file the records. When a requestor withdraws or abandons a request, the Public Records Officer or designee will provide written notice to the requestor that the District has closed the request

EXEMPTIONS

1. The Public Records Act, Chapter 42.56 RCW, provides that certain public records are exempt from public inspection or disclosure. In addition, public records are exempt from disclosure if any other statute exempts or prohibits disclosure. A listing of the more common types of records which are considered exempt under the Public Records Act, as well as a list of other statutes, outside of the Public Records Act are referenced in the District's Public Records Disclosure Administrative Procedure. The District will revise these lists from time to time to reflect any changes in applicable law. The failure to identify a specific statute shall not affect the District's ability to claim such record is exempt under state or federal law.
2. The District reserves the right to seek relief in the superior court if disclosure of a record would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital governmental functions.

COSTS FOR PROVIDING COPIES OF PUBLIC RECORDS

1. No fee shall be charged for the inspection of Public Records.
2. There is no fee for individual documents emailed to the requestor in PDF or other electronic format.
3. Charges for copies:
 - a. In determining the actual per page cost, the District may include all costs directly incident to copying such public records, including: 1) the actual cost of paper; 2) the per page cost of using agency copying equipment; 3) staff time used to copy and mail requested public records; and 4) all costs directly incident to shipping such public records.
 - b. The District may choose not to calculate the actual per page cost, in which case the charge for photocopying public records may not exceed the standard charge per page for 8 ½ x 11, single sided copies outlined in the Public Records Act.

- c. Prior to copies being made, the District may require a deposit of up to ten percent of the estimated costs to copy all records or an installment of records selected by the requestor. The District may also require final payment of the remaining costs prior to providing the copied documents. The District will not charge sales tax. The District may also charge actual costs of mailing, including the cost of the shipping container.
4. If the requestor fails to pay a deposit, an installment or make the final payment within thirty (30) days, the Public Records Officer or designee shall consider the request closed and shall not be obligated to fulfill the balance of the record request.
5. Payments may be made by cash, credit card (Visa or Mastercard), check, or money order to Grant County PUD.
6. The Public Records Officer may from time to time review and, subject to the approval by the District's Manager, revise and publish an updated schedule of copying charges which shall be available from the Public Records Officer.

REVIEW OF DENIALS OF PUBLIC RECORDS

1. Any person who objects to the denial of a request for a public record may request in writing to the Public Records Officer for a review of such decision. The request shall include a copy, or reasonably identify the written statement by the Public Records Officer or designee denying the request.
2. Immediately after receiving a written request for review of a decision denying a Public Record, the Public Records Officer or designee shall refer it to the District's Manager. The Manager shall immediately consider the matter and either affirm or reverse such denial within two business days following the District's receipt of the petition, or within such other time as the District and the requestor mutually agree.
3. Any person may obtain court review of denials of public records requests, pursuant to the Public Records Act, at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

MANAGEMENT OF RECORDS

1. For the reasons stated in Resolution 8394, the District Commission determined that maintaining an index of public records would be unduly burdensome and would interfere with District operations. The District will make available for public disclosure all indices maintained for District use.
2. The District will retain records in accordance with the retention schedules developed by local, state and federal agency records committees that are common to most agencies. Such records may be stored offsite or at remote office locations away from the District's main headquarters building.

3. If a public record request is made at a time when such record exists but is scheduled for destruction in the near future, the District will retain possession of the record until the request is resolved.

DISCLAIMER OF LIABILITY

As provided in the Public Records Act, neither the District nor any 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 and procedure.