

## City of Bellevue Records and Information Management Program

### PUBLIC RECORDS ACT RULES

The Public Records Act, Ch. 42.56 RCW, (the Act) requires public agencies to make identifiable, non-exempt public records available for inspection and copying upon request and to publish rules of procedure to inform the public how access to public records will be accomplished. Pursuant to Ordinance No. 5746, adopted by the City Council on June 25, 2007, the following Rules for responding to public records/disclosure requests are established.

The purpose of these rules is to provide the public full and timely access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of efficient administration of our City government. The City complies with the provisions of the Public Records Act and adopts the following procedures in responding to public disclosure requests. The Act and these rules will be interpreted in favor of disclosure.

#### Section 1. Definitions/Explanations

- a. **Public record.** A writing, regardless of physical form, containing information relating to the conduct of government or the performance of any governmental or proprietary function, prepared, owned, used, or retained by the City regardless of physical form of characteristics.
- b. **Writing.** A 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 their combinations; 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 data compilations from which information may be obtained or translated. An email is a writing.
- c. **Identifiable record.** An identifiable record is one in existence at the time the records request is made, and that City staff can reasonably locate. A record must be identified or described to be reasonably located.
- d. **Exempt record.** A record is specifically exempted or prohibited from disclosure by state law, either directly in Chapter 42.56 RCW or in other statutes. The Washington State Attorney General's Office Sunshine Committee maintains an up to date and complete list of current exemptions and prohibitions on their website at. <https://www.atg.wa.gov/sunshine-committee>.
- e. **Counter document.** A frequently requested document retained in the Public Records Division or within departments that is known to be public information and may be released within a reasonably short timeframe without need to file a written public disclosure request.

- f. **Public Records Officer.** The City’s designated Public Records Officer is the Public Disclosure Supervisor within the City Clerk’s Office Public Records division. The Public Records Officer will oversee compliance with the Public Records Act and these Rules but may designate other City staff members who may process requests for public records. For Police records, the Public Records Officer has designated the Police Administrative Services Manager.
- g. **Records Coordinator.** Each city department designates minimum one primary public disclosure records coordinator. The records coordinator’s responsibility is to assist the Public Records Officer in identifying and locating records within the department that are responsive to the records request.

**Section 2. Description of City Services and Central Office**

The City of Bellevue is a Washington municipal corporation that provides the full range of traditional municipal services through its various departments. These functions include, but are not limited to, maintaining public records. The Public Records Division, located in the City Clerk’s Office, shall maintain descriptions of the City’s organization and the process through which the public may obtain records from the City.

The City of Bellevue’s central office is located at Bellevue City Hall, 450 - 110th Avenue NE, Bellevue, WA, 98004, and several field offices are located throughout the City.

**Section 3. Public Records Officer**

Any person wishing to request access to public records or seek assistance in making a request should contact the City’s Public Records Officer.

The Public Records Officer or designees will provide the fullest assistance to requestors, ensure that public records are protected from damage or disorganization, and prevent fulfilling public records requests from causing excessive interference with the essential functions of the City.

When using these Rules, references to the Public Records Officer should be interpreted to also include his or her designees.

- a. **Requests for records other than Police records:** Requests to inspect or copy any records maintained by the City, other than Police records, should be made to the Public Records Officer at:
  - Public Records Officer
  - Bellevue City Hall -- Public Records Division
  - 450 - 110th Avenue NE
  - Bellevue, WA 98004
  - Telephone: 425-452-4283
  - Public Records Request Portal online: <https://bellevuewa.gov/records>
  - E-mail: [publicrecords@bellevuewa.gov](mailto:publicrecords@bellevuewa.gov)
- b. **Requests for Police records:** Requests to inspect or copy records maintained by the City’s Police Department should be made to the Police Records Unit or the Police

Administrative Services Manager at:

Bellevue City Hall -- Police Department

450 - 110th Avenue NE

Bellevue, WA 98004

Telephone: 425-452-6917

FAX: 425-452-6110

Public Records Request Portal online: <https://bellevuewa.gov/records>

Email: [BPDrecords@bellevuewa.gov](mailto:BPDrecords@bellevuewa.gov)

- c. **Internet access to records.** Many records are also available on the City of Bellevue website at: <http://www.bellevuewa.gov>. Requestors are encouraged to view the documents available on the website prior to submitting a public records request.

#### **Section 4. Availability of public records**

- a. **Hours for inspection.** Public records are available for inspection and copying during the City's normal business hours: Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. City staff and the requestor are encouraged to make mutually agreeable arrangements for times of inspection and copying.
- b. **Place of inspection.** Records will be made available for inspection in the Public Records Division. City staff and the requestor may make mutually agreeable arrangements for inspection if the particular records being sought are maintained at field offices of the City.

A requestor shall not take City records from City offices without the permission of the Public Records Officer.

- c. **Electronic access to records.** A variety of records are available on the City's web site at: [www.bellevuewa.gov](http://www.bellevuewa.gov).

To the extent practical, the City will store, maintain, and make its records available electronically. For those seeking responsive records in electronic format, the City may provide access to public records by providing links to the public records portal containing an electronic copy of the record, provide records on a USB Flash Drive, or transmit the responsive record via e-mail. The City provides kiosks and a computer terminal for viewing records and information at City Hall for those without access to the internet. The Public Records Officer will work with the requestor to determine the most appropriate method for providing electronic copies of responsive records.

- d. **Records index.** Ordinance Nos. 5589 and 5746, adopted by Council on March 7, 2005 and June 25, 2007, respectively, determined that maintaining a central index of City records is unduly burdensome, costly, and would interfere with City operations due to the number and complexity of records generated as a result of the wide range of City activities.

The City Clerk will, however, index and maintain the following general administrative records in the Public Records Division to make them available for public inspection and copying:

- Ordinances;

- Resolutions;
- policies adopted by the City Council;
- minutes of the regular meetings of the City Council;
- any related amendments, revisions and repeals; and
- all public contracts, deeds, easements and leases.

Other records that relate to the specific function or responsibility of a particular department shall be maintained by the offices of the particular department. The Public Records Officer will coordinate responses to public records requests with the departments, and responsive records shall be made available for public inspection and copying in the Public Records Division in accordance with Chapter 42.56 RCW and BCC 2.26.080.

- e. **Organization of records.** City departments will maintain records in a reasonably organized manner. The City will take reasonable actions to protect records from damage and disorganization and will apply this policy in responding to public records requests to prevent excessive interference with other essential city functions.
- f. The City follow the minimum records retention requirements set forth by the records retention schedule approved by the Secretary of State’s Local Records Committee. The retention schedules for local agencies are available at [https://www.sos.wa.gov/archives/RecordsManagement/Managing\\_City\\_Records.aspx](https://www.sos.wa.gov/archives/RecordsManagement/Managing_City_Records.aspx).

**Section 5. Making a request for public records**

- a. **Reasonable notice that the request is for public records.** A requestor must provide the City 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.
- b. **Form.** Any person wishing to inspect or copy identifiable public records of the City should make the request in writing in one of the following ways:
  - Public Records Request Portal online: <https://bellevuewa.gov/records>;
  - by letter or e-mail addressed to the Public Records Officer, over the phone; or
  - in person on the provided request form available in the Public Records Division.

All requests, regardless of how they are received, are entered into the City’s public records request portal and subsequent communications and release of records are managed via the public records request portal.

The following information should be included in the request:

- Contact information of requestor;
- Indication that the request is for public records pursuant to the Public Records Act;
- Identification of the requested records adequate for the Public Records Officer to locate the records; and

- The date of the request.
- c. **Prioritization of records.** The Public Records Officer may ask a requestor to prioritize installments of the records they are requesting so that particular records may be provided first. The Public Records Officer will attempt to produce records in the designated order of priority when feasible.
  - d. **Copies.** If the requestor wishes to have copies of the records made instead of simply inspecting them, they should so indicate and make arrangements to make a deposit or pay for the copies, as further discussed in Section 10 below. Costs for copies are set out on the fee scheduled published periodically by the City Clerk and made available in the Public Records Division and on the City’s web site.
  - e. **Oral Requests.** The Public Records Officer may accept oral requests for public records that contain the above information by telephone or in person. If an oral request is made, the Public Records Officer will confirm receipt of the information and the substance of the request via the public portal.
  - f. **Requests made directly to City departments.** Requests for public records other than identified “counter documents” that are made directly to departments shall be delivered to the Public Records Officer immediately upon receipt for coordinated processing.
  - g. **Purpose of request and identity of requestor.** Generally, the City shall not distinguish among persons requesting records. To that end, a requestor need not state the purpose of the request, except that the City will require the requestor to provide information as to the purpose of a request for lists of individuals. In that instance, the City shall investigate whether the requestor intends to use the list for commercial purposes. The City may require the requestor sign a declaration stating that they will not use the list for commercial purposes. Unless otherwise required by law, the City shall not give, sell or provide access to lists of individuals requested for commercial purposes.

Because the Act and other statutes may limit which persons may receive certain records, the City may also request information from a requestor sufficient to allow a determination as to whether a particular requestor is authorized to receive the records.

- h. **Overbroad requests.** The City may not deny a request for identifiable public records solely because the request is overbroad. However, the City may seek clarification, ask the requestor to prioritize the request so that particular records are provided first, and/or communicate with the requestor in an effort to manage the size and complexity of the request. The City may also provide the responsive records in installments over time.

When a request uses an inexact phrase such as “all records relating to”, the Public Records Officer may interpret the request to be for records which directly and reasonably address the topic. The Public Records Officer should inform the requestor of the City’s interpretation when responding to a request.

When the requestor has obtained the records they are seeking, the requestor should

advise the Public Records Officer if the remainder of the request may be cancelled.

## **Section 6. Processing public records requests**

- a. **Providing “fullest assistance.”** These Rules and related policies and procedures identify how the City will provide full access to public records, protect records from damage or disorganization, prevent excessive interference with other essential functions of the agency, provide fullest assistance to requestors and provide the most timely possible action on public records requests.

All assistance necessary to help requestors locate responsive records shall be provided by the Public Records Officer, provided that the giving of such assistance does not unreasonably disrupt city functions.

- b. **Order for processing requests.** The Public Records Officer will process requests in the order and manner they determine to be the most efficient and to provide the fullest assistance to all requestors.
- c. **Acknowledging receipt and fulfilling requests.** Within 5-business days of receipt of the request, the Public Records Officer will respond in one of the following ways:
1. Make the record available for inspection or copying;
  2. Provide a link to the City’s web page where the requested records are posted;
  3. Acknowledge that the request has been received and provide a reasonable estimate of when records will be available;
  4. If the request is unclear or does not sufficiently identify the requested records, acknowledge receipt of the request, request clarification from the requestor and provide a reasonable estimate of time it will take to respond to the request if it is not clarified. Such clarification may be requested and provided by telephone; or
  5. Deny the request, specifying reason for denial.
- d. **Reasonable estimate of time to fully respond.** If not able to fulfill the request within the 5-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 exempt information, prepare an exemption log, notify third parties affected by the request and/or consult with the City Attorney 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 the extension necessary.

- e. **Multiple requests by the same requestor.** In order to provide the fullest assistance to all records requestors and to prevent excessive interference with other essential functions of the City, if the same requestor, or their representative, has submitted multiple requests, the Public Records Officer may process the requests one at a time and in the order received. Requestors may prioritize the order in which they would

like the City to process such multiple requests and the City will endeavor to process in the requested order to the extent feasible. The City shall endeavor to provide all requestors, and their representatives, with equal assistance and attention, to the extent it is reasonable and feasible.

- f. **No written response received from the City.** If the requester does not receive a written response from the City within 5-business days of the estimated receipt of the request for disclosure, the requestor should contact the Public Records Officer to determine whether the request was received.
- g. **Requesting Clarification.** In acknowledging receipt of a public record request that is unclear, the City may ask the requestor to clarify what information the requestor is seeking. Additionally, clarification may be sought for a number of reasons, including the following:
  - 1. To determine the specific date or date range of records sought, if known;
  - 2. To ask a requestor to prioritize the records they are requesting so that the City is able to provide the most important records first when feasible. The City is not required to ask for prioritization, and a requestor is not required to provide it; or
  - 3. To clarify requests identified in vague terms such as “any and all documents related to,” “all records relating to” or similar language.

If the requestor is unable or unwilling to help narrow the scope of the documents being sought in order to expedite the City’s response and/or reduce the volume of potentially responsive documents, the Public Records Officer may err on the side of producing more rather than fewer documents in response to such a broad, general request. City staff shall not be obligated to interpret such a broad, general request to decipher which specific documents may be of interest to the requestor.

Such clarification may be requested and provided by telephone. If the clarification is made by telephone, the Public Records Officer will confirm the scope of the clarification in writing. The confirmation will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement of the scope.

If the requestor fails to respond to a request for clarification within 30 days, and the entire request is unclear, the City may consider the request abandoned. Otherwise, the City will respond to those portions of the request that are clear. If the City considers the request abandoned, it shall send a closing letter to the requestor.

- h. **Consequences of disclosing a record in error.** The City, and its officials, agents, employees or custodians shall not be liable, nor shall a cause of action exist, for loss or damage based on release of a public record if the City, official, agent, employee or custodian acted in good faith in attempting to comply with the Public Records Act.
- i. **Searching for records.** The City will conduct an objectively reasonable search for responsive records. The Public Records Officer will determine where responsive records are likely to be located and involve Records Coordinators in other departments, as needed, to assemble the records.

After potentially responsive records are located, the Public Records Officer should take

reasonable steps to narrow down the number of records assembled to those that are responsive. The City will not “bury” a requestor with non-responsive documents. However, the Public Records Officer is allowed to provide arguably responsive records to allow the requestor to select the ones they want, particularly if the requestor is unable or unwilling to help narrow the scope of the documents being sought.

- j. **Preserving requested records.** If a requested record is scheduled shortly for destruction under the City’s records retention schedule, the record cannot be destroyed until the public disclosure request has been resolved. Once a request has been closed, the Public Records Officer can destroy the record in accordance with the retention schedule.
- k. **Records exempt from disclosure.** Some records or information contained therein are exempt from disclosure, in whole or in part (see Section 9).

If the City believes that a record is exempt from disclosure and should be withheld, in whole or in part, the Public Records Officer will identify the specific exemption(s) and provide a brief explanation of why the record, or a portion of the record, is being withheld.

If only a portion of the record is determined to be exempt, the Public Records Officer will redact the exempt portions and provide the non-exempt portions (see Section 9).

- l. **Court protection of records (Third-party notice).** If the requested records contain information that may affect the rights of a person who is named in the record or to whom the record specifically pertains, prior to providing the records, the Public Records Officer may give notice to such persons. Generally, a 14-day notice will be given to allow time for the affected individual(s) to seek an order from a court to prevent or limit the disclosure. The notice to the affected person(s) will include a copy or summary of the request. Nothing in this section requires the City to provide such third-party notice, unless otherwise required by law.
- m. **Inspection of records.** To the extent possible, the Public Records Officer shall promptly provide space to inspect public records in the Public Records Division. The requestor must claim or review the assembled records within 30 days of the Public Records Officer’s notification that the records are available for inspection or copying. The Public Records Officer will notify the requestor in writing of this requirement and suggest that they contact the agency to make arrangements to claim or review the records.

If the requestor or a representative of the requestor fails to claim or review the records within the 30-day period, or make other arrangements, the Public Records Officer may consider the request abandoned, close the request, and re-file the assembled records.

Members of the public may not remove documents from the viewing area or disassemble or alter any document. City employees may be present during the inspection of records.

- n. **Providing copies of records.** The requestor shall indicate which documents they wish to have copied using a mutually agreed upon non-permanent method of

marking the desired records. After inspection is complete, the Public Records Officer will arrange for copying. Making a copy of an electronic record is considered copying and not creation of a new record.

- o. Providing records in installments.** When the request is for a large number of records, the Public Records Officer will generally provide access for inspection and copying in installments if they reasonably determine that it would be practical to provide the records in that way. If the requestor fails to inspect one or more of the installments within 30 days of the records being made available for inspection, the Public Records Officer may stop searching for the remaining records and close the request as abandoned.
- p. Completion of inspection.** When inspection of the requested records is complete and all requested copies are provided, the Public Records Officer will indicate that the City has completed a diligent search for the requested records and made any located non-exempt records available for inspection.
- q. Closing withdrawn or abandoned requests.** If the requestor withdraws the request, fails to fulfill their obligations to inspect the records within 30 days, or fails to pay the deposit or final payment for the requested copies, the Public Records Officer will close the request and indicate to the requestor that the City has closed the request. The Public Records Officer will document closure of the request and the conditions that led to closure.
- r. Records Discovered After the Fact.** If, after the Public Records Officer has informed the requestor that the City has provided all available records, the City becomes aware of additional responsive documents that existed on the date of the request, the Public Records Officer will promptly inform the requestor of the additional documents and provide them on an expedited basis.
- s. No duty to create records.** The City is not obligated to create a new record to satisfy a records request; however, the City may, with the requestor's approval, create such a new record to fulfill the request where it may be easier for the City 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. The City is not required to conduct research for a requestor.
- t. No duty to supplement responses.** The City is not obligated to hold current record requests open to respond to requests for records that may be created in the future. If a public record is created after a request is received by the City, it is not responsive to the request and will not be provided. A new request must be made to obtain later-created public records.
- u. No access to City network or systems.** Requestors shall not be permitted to access or "plug into" City networks or systems or copy records using personal devices or equipment, such as USBs or scanners, which must be connected to City equipment to copy records.

## **Section 7. Processing requests for electronic records**

- a. **Providing electronic records.** If public records are requested in electronic form, the Public Records Officer will provide non-exempt records in a generally commercially available electronic format that is used by the City.
- b. **Access to electronic records.** The Public Records Officer may provide a link to electronic records easily found on the City's website. Records may also be accessed using the public records portal, an online transfer or sharing site, email, or an external device such as a USB drive provided by the City. Copying of electronic records are subject to fees listed in the Fee Schedule.
- c. **Paper records provided electronically.** Paper records that are specifically requested to be provided electronically are subject to processing fees listed in the Fee Schedule.

### **Section 8. Retention of records**

The City will retain its records in accordance with retention schedules approved by the State Local Records Committee. Public records may not be destroyed per a retention schedule if a public records request or actual or anticipated litigation is pending.

### **Section 9. Exempt and prohibited disclosure of public records**

All public records maintained by the City are available for public inspection and copying unless a specific exemption or other statute applies.

The Public Records Act, Ch. 42.56 RCW, provides that a number of document types and information are prohibited from being disclosed or are exempt from public inspection and copying. The Washington State Attorney General's Office Sunshine Committee maintains an up to date and complete list of current exemptions and prohibitions on their website at <https://www.atg.wa.gov/sunshine-committee>.

The City is not limited to the exemptions identified in its initial denial letter or exemption log.

### **Section 10. Costs of providing copies of public records**

- a. **Costs for records, generally.** Except as explicitly provided herein and in the City's Fee Schedule, the City declares that it would be unduly burdensome to calculate the actual costs of providing public records. Therefore, the City adopts the standard fees prescribed for providing records under the Act. No fee is charged for locating records, inspecting records in person, or for accessing records routinely made available on the City's website prior to receipt of a request unless the requestor has specifically requested that the City provide copies of such records through other means. If requested by a requestor, the City shall provide a summary of the applicable charges before any copies are made and the requestor may revise a public records request to reduce the number of copies to be made and reduce the applicable charges. If the copy order request is unduly burdensome on staff, the copy request may be sent to a third-party vendor to complete. The costs are negotiated in a contract with the vendor and the invoice is passed directly to the customer. Payment of fees is required prior to release of records unless other arrangements have been

made. Detailed fees applicable to public records requests can be found in the City's Fee Schedule.

- b. Customized Service Charge.** In addition to any charges noted on the City's Fee Schedule the City may include a customized service charge if the City 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 the City for other purposes. Such charge shall be the actual cost of providing the customized access service. The City must notify the requestor in advance of the customized service charge to be applied, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimate cost of the charge, and the City must provide the requestor the opportunity to amend the public records request in order to avoid or reduce the cost of a customized service charge.
- c. Body Worn Camera Redaction Costs.** As noted on the City's Fee Schedule, the City may charge the requestor the reasonable costs of redacting, altering, distorting, pixelating, suppressing or otherwise obscuring any portion of the body camera recordings in accordance with the standards established in RCW 42.56.240.
- d. Sales tax.** The City will not charge sales tax on copies of records.
- e. Use of other copying services.** The City is not required to copy records at its own facilities and may use a commercial copying center for duplicating voluminous records or records in non-routine formats such as photographs, blueprints, or tape recordings. The City will bill the requestor for the amount charged by the vendor.
- f. Deposit or payment by installments.** Prior to copying records, the Public Records Officer or designee may require a deposit of up to ten percent of the estimated costs of copying the records, including customized service charges, selected by a requestor. The Public Records Officer may also require the 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.
- g. Method of payment.** Payment may be made by cash, check, credit card, or money order to the City of Bellevue.

#### **Section 11. Denials of requests for public records**

- a. Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including by e-mail) to the Public Records Officer for a review 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 and the basis for the requestor's challenge to the denial.
- b. Consideration of petition for review.** The Public Records Officer shall promptly provide the petition and any other relevant information to the City Attorney or their designee to conduct the review. The City Attorney or designee will promptly

consider the petition and either affirm, reverse the denial or inform that additional time is needed within 2-business days following the City's receipt of the petition, or within such other time to which the City and the requestor mutually agree.

- c. **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of 2-business days after the initial denial regardless of any internal administrative appeal process.

## **Section 12. Certified Copies of Public Records**

A copy of an official record may be certified by the Public Records Officer or their designee upon request. The certification stamp will include the seal of the City of Bellevue, the name of the Public Records Officer or another person authorized to make the certification, the assertion that it is a true and correct copy, and the date of certification.