

Requesting Public Records

Reference Number ADM 07.04.01 - PRO 01

Purpose

The City of Bellingham ("City") recognizes the importance of open government and provides broad access to public records as required by Chapter 42.56 RCW (the "Public Records Act"), while carefully exercising discretion to withhold records, in whole or in part, where the law exempts or prohibits the disclosure of specific information.

The purpose of this procedure is to notify requestors about the established places at which, the employees from whom, and the methods whereby, they may obtain information, make submittals or requests, or obtain copies of agency decisions. RCW 42.56.040.

Scope

This procedure applies to requests to inspect or receive copies of records that are related to the conduct of City government or to the performance of any governmental or proprietary function that are prepared, owned, used, or retained by the City regardless of their physical form or characteristics.

This procedure does not apply to court records from the Bellingham Municipal Court. Access to court records is governed by the common law and applicable court rules. Any person interested in accessing court records should contact:

Bellingham Municipal Court
2014 C Street
Bellingham, WA 98225
Phone: (360) 778-8150
FAX: (360) 778-8151

Description of Organization

The City of Bellingham is a municipal corporation with a mayor-council form of government. The City provides a variety of municipal services through multiple departments as set out in the Bellingham Municipal Code. The departments of the City include:

- Bellingham Public Library
- City Attorney's Office
- City Council
- Finance
- Fire and EMS
- Hearing Examiner
- Human Resources
- Information Technology
- Mayor's Office
- Parks & Recreation
- Planning & Community Development
- Police
- Public Works
- Whatcom Museum

Contact information for each department is available on the City's website, www.cob.org.

Designation of Public Records Officer

The City is required to appoint and publicly identify a Public Records Officer whose responsibilities include serving as a point of contact for members of the public in requesting disclosure of public records and overseeing the City's compliance with the disclosure requirements of the Public Records Act (PRA). RCW 42.56.580(1). The identity of the Public Records Officer for the City of Bellingham shall be prominently displayed on the City's website, www.cob.org.

Please note that while the Public Records Officer serves as a point of contact for members of the public, other staff members are also responsible for processing public records requests. The City designates a Public Records Coordinators in each department who is responsible for responding to requests for public records from that department. The City shall prominently display a list of the current Public Records Coordinators on the City's website, www.cob.org.

Availability of Public Records

The City makes available on its website commonly requested records including, for example, the budget (and related financial documents), the Bellingham Municipal Code, contracts, City Council meeting materials including minutes, ordinances, resolutions, crime statistics, GIS data, planning notices, a police daily activity log, Public Works Development Guidelines and Improvement Standards, and a list of businesses registered with the City. The City encourages requestors to search for commonly requested records on its website prior to submitting a public records request.

Index of Records

The City Council has determined that maintaining an index under RCW 42.56.070(3) would be unduly burdensome and would interfere with the provision of City services. Accordingly, the City does not maintain an index of records.

Requesting Public Records

The City recommends that requestors submit formal requests electronically using the City's online request form. The City's home page, www.cob.org, includes a prominent link for "Public Records Requests." The public records sub-page includes a link to the online request form.

Requestors must provide their contact information and a description of the public record or records being requested. When a requestor uses an inexact phrase such as all records "relating to" a topic (such as "all records relating to the property tax increase"), the City will interpret the request to be for records which directly and fairly address the topic.

Alternatively, requestors may submit formal requests for public records by contacting the City's Public Records Officer in person, by telephone, by mail, FAX or email. Requestors submitting formal requests by one of these methods must provide their contact information and a description of the public record or records being requested.

Informal requests may be fulfilled where the records can be provided immediately with minimal staff effort, the same or similar records have been routinely distributed by the department in the past, and there is no need to document the request or the City's response to the request.

While the City encourages the use of social media to further the goals of the City and the missions of its departments, the City does not accept requests for public records that are submitted via social media.

Receiving a Prompt Response

The City will respond to a request for public records within five (5) business days in one of the following ways:

1. Providing the record or records requested;

2. Providing an internet address and link on the City's website to the specific record or records requested;
3. Acknowledging receipt of the request and providing a reasonable estimate of the time the City will require to respond to the request; or
4. Denying the request.

Third Party Notification

The City may notify persons named in a record or to whom a record specifically pertains, that release of the record has been requested so that the person may file a lawsuit to enjoin the release of the record. RCW 42.56.540. The third party shall be provided relevant information about the request including the identity of the requestor so that the third party may name the requestor as a party in any lawsuit to enjoin disclosure.

Prohibition

The Public Records Act prohibits the City from providing a list of individuals to be used for commercial purposes. RCW 42.56.070(9).

The word "individuals" refers only to natural persons, however, a list may include other fields and still be considered a list of individuals. A "commercial purpose" is a business activity by any form of business enterprise (i.e., for profit and not-for-profit) that is intended to generate revenue or other financial benefit.

The City has an obligation to avoid disclosing lists of individuals for commercial purposes and may require a requester to sign a declaration under penalty of perjury which describes the purpose of their request and states that he or she will not use the requested list of individuals for a commercial purpose.

Withholding Confidential or Exempt Information

The City shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of the Public Records Act or other statute which exempts or prohibits disclosure of specific information or records. RCW 42.56.070(1).

There are hundreds of exemptions in state and federal law that may apply to public records maintained by the City. The Model Rules for the Public Records Act published by the Attorney General's Office list some of the most commonly applied exemptions. WAC 44-14-06002. The Attorney General's Office has also published a more comprehensive list of exemptions in its Open Government Resource Manual. The Municipal Research and Service Center also maintains a list of Exemptions and Prohibition Statutes Not Listed in Chapter 42.56 RCW in the Public Records Act for Washington Cities, Counties, and Special Purpose Districts. The City adopts these lists by reference to meet the requirement to publish and maintain a list of exemptions under RCW 42.56.070(2).

In the event that responsive records contain information that is exempt from public disclosure, the City shall redact the exempt information and release the nonexempt information and a brief explanation justifying the redaction.

Fees and Deposits

The City may assess a charge for copies of public records as authorized by Chapter 42.56 RCW or other law, as applicable.

No fee shall be assessed for assembling public records and making them available for inspection and copying. The Public Records Coordinator or the Public Records Officer shall communicate with the requestor to schedule a mutually convenient time and place for the inspection of public records. All inspections shall be completed between 8:00 AM and 5:00 PM, Monday through Friday.

The City may assess a charge for copies of public records which shall not exceed the amount necessary to reimburse the City for its actual costs directly incident to the copying. The City may also assess a charge for postage or delivery which shall include the cost of any container, media, or envelope used to deliver the records to the requestor. Alternatively, the City may deliver the records to a third party vendor for copying and the vendor shall be responsible for collecting payment for the records.

For voluminous or extraordinary requests, the City may require a deposit before processing the request.

Deposits and copy charges are payable on-line via the City's website, in person at the City's Finance Department, or by mail addressed to the Public Records Officer. The City shall provide the requestor with an invoice (or other notice) of the applicable charges when the records are available. The City will provide copies of the records following the receipt of payment, if applicable.

Installments

The City may, at its discretion, respond to requests for voluminous records by providing the records in installments. RCW 42.56.080. If so, the City will notify the requestor that the request will be completed in installments. The notification will include a reasonable estimate of the amount of time it will take to produce the first installment.

Once the first installment is available, the City shall notify the requestor that it is available. The requestor will have 30 days to make arrangements to inspect or pay for copies of the records.

Completion of Inspection

When the inspection of the requested records is complete and all requested copies are provided, the Public Records Officer or designee will notify the requestor that the City has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

Closing Withdrawn or Abandoned Requests

When a requestor either withdraws their request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the City will close the request and indicate to the requestor that the City has closed the request.

Review Process

The City encourages any requestor who believes a record has been wrongfully withheld, in whole or in part, to meet and confer with the Public Records Officer prior to seeking judicial review of the City's response to their request. The City would have no less than 2 business days to amend its response before the requestor files a lawsuit. This voluntary procedure would give the City a reasonable opportunity to facilitate a quick resolution to any disputes while avoiding the expense and delay associated with litigation. This internal review process does not restrict a requestor's right to bring a lawsuit under RCW 42.56.550.

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Level	Citywide
Chapter	Administration
Section	
Developed By	James Erb, Senior Asst. City Attorney

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