

CITY OF SPOKANE  
ADMINISTRATIVE POLICY AND PROCEDURE

ADMIN 0260-17-03  
LGL 2009-0018

TITLE: **PUBLIC RECORD REQUESTS**

EFFECTIVE DATE: JULY 1, 2004

REVISION EFFECTIVE DATE: January 23, 2018

## 1.0 GENERAL

### 1.1 Authority and Purpose.

1.1.1 RCW 42.56.070(1) of the Public Records Act ("Act") requires each state or local agency to make available for inspection and copying nonexempt "public records" in accordance with published rules.

1.1.2 The purpose of this policy is to establish the procedures the City of Spokane will follow in order to respond to requests made for records under the Act. This policy provides information to persons wishing to request access to public records of the City of Spokane and establishes processes for both requestors and City staff.

1.1.3 The Act's purpose is to provide the public full access to non-exempt records concerning government conduct to the extent such records are not made exempt by the Act, in a manner that does not unduly impair the public's entitlement to receive effective and efficient performance of the City's governmental duties and functions, and that respects legally-protected privacy rights. The Act and these considerations will be interpreted in favor of disclosure. In carrying out its responsibilities under the Act, the City will be guided by the provisions of the Act describing its purposes and interpretation.

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## 2.0 DEPARTMENTS/DIVISIONS AFFECTED

This policy shall apply to all City divisions and departments except:

- a. record requests handled by the Records Unit of the Police Department;
- b. record requests handled by the Spokane Municipal Court; and
- c. record requests handled by the Spokane Public Library.

Copies of the Public Records Request policies and fee schedules for the Police Records Unit, Municipal Court, and Public Library will be placed on file for review with the Office of the City Clerk.

## 3.0 REFERENCES

RCW Ch. 42.56 Public Records Act  
WAC Ch. 44-14 Public Records Act—Model Rules  
Mayoral Executive Order EO 2008-05—Public Records Index

## 4.0 DEFINITIONS

- 4.1 A "public record" includes: (1) any writing; (2) that contains information relating to the conduct of government or the performance of any governmental or proprietary function; and (3) that was prepared, owned, used, or retained by the City regardless of physical form or characteristics.
- 4.2 "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, magnetic or punched cards, discs, drums, diskettes, sound recordings, text messages, emails, voicemails, social media postings, and other documents including existing data compilations from which information may be obtained or translated.

## 5.0 POLICY

### 5.1 Agency Description - Contact Information - Public Records Officer

- 5.1.1 The City of Spokane is a municipal corporation. The City's central office is located at City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington 99201. The City has field offices at various sites throughout the City.

### 5.1.2 Records Officers

- a. Any person wishing to request access to public records of the City, or seeking assistance in making such a request should contact the Public Records Officer of the City:

Terri Pfister, City Clerk  
City of Spokane  
Fifth Floor, City Hall  
808 West Spokane Falls Boulevard  
Spokane, Washington 99201  
(509) 625-6350  
FAX: (509) 625-6217  
Email: [clerks@spokanecity.org](mailto:clerks@spokanecity.org)

- 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 Officer at:

Evidence and Records Manager  
City of Spokane Police Department  
1100 West Mallon Avenue  
Spokane, Washington 99260  
(509) 625-4279  
FAX: (509) 625-4059  
Email: [spdrecordsinforequest@spokanepolice.org](mailto:spdrecordsinforequest@spokanepolice.org)

- c. Requests for Library Records.  
Requests to inspect or copy records maintained by the City's Library Department should be made to the City Clerk who is the Library's designated Records Officer at:

City Clerk (Library's designated Records Officer)  
Fifth Floor, City Hall  
808 W. Spokane Falls Blvd.  
Spokane, Washington 99201  
(509) 625-6350  
Email: [clerks@spokanecity.org](mailto:clerks@spokanecity.org)

- d. Requests for Municipal Court Records.  
Requests to inspect or copy records maintained by the City's Municipal Court should be made to the Court's Records Officer at:

Records Officer  
City of Spokane Municipal Court  
1100 West Mallon Avenue  
Spokane, Washington 99260  
(509) 625-4400  
FAX: (509) 625-4442  
Email: mcaadmin@spokanecity.org

e. Information is also available at the City's web site at [www.spokanecity.org](http://www.spokanecity.org).

5.1.3 The Public Records Officer will oversee compliance with the Act but another City staff member may process the request. Therefore, when this policy refers to the "Public Records Officer," it also refers to a designee of the Public Records Officer.

## 5.2 Availability of Public Records

### 5.2.1 Hours for inspection of records.

Public records are available for inspection and copying during normal business hours of the City, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding municipal legal holidays. Records must be inspected at the offices of the City. The City and the requestor can make mutually agreeable arrangements for the times of inspection and copying.

### 5.2.2 Records Index.

The City of Spokane does not maintain a records index pursuant to Mayoral Executive Order EO 2008-0005.

### 5.2.3 Organization / Protection of Records.

a. The City will maintain its records in a reasonably organized manner consistent with available resources. The City/Public Records Officer may take any steps deemed necessary to protect and preserve records from damage, alteration or disorganization.

b. A requestor shall not alter, disorganize, damage, take, or remove City records from City offices or custody without the express written permission of the Public Records Officer. Requestors upon advance notification to the Records Officer may use personal scanners or cameras for the making of copies of documents during record reviews. If a requestor damages records during review, inspection, or copying, the City reserves the right to recover, from all persons responsible, all

costs of record recovery, including direct costs as well as all consequential losses or damages, and/or to pursue prosecution of all persons responsible.

5.2.4 A variety of records is available on the City's web site at [www.spokanecity.org](http://www.spokanecity.org). Requestors are encouraged to view the records available on the web site prior to submitting a records request.

5.2.5 Making a request for public records.

- a. A verbal request, as compared to one made in writing, poses greater risks of miscommunication or misinterpretation and therefore misunderstanding of the requestor's intention as to which records s/he is seeking. Such misunderstandings impair the City's ability to properly and timely fulfill the request, and moreover cause inefficiencies for City staff members that impair their ability to effectively and efficiently perform the City's governmental duties and functions for the benefit of other members of the public.

Any person wishing to inspect or copy public records of the City should therefore make the request in writing, on the City's request form, or by letter, fax, or e-mail addressed to the Public Records Officer.

- b. A requestor must give the City reasonable notice that the request is being made under the Public Records Act. The request should include the following information:
- Name of requestor;
  - Address of requestor;
  - Other contact information, including telephone number and any e-mail address;
  - Identification of the records sought, with such specificity as necessary to permit the Public Records Officer or designee to reasonably locate the records; and
  - The date of the request.
- c. A question or request for information is not a request for a record, nor is a request that the City compile data, create a

record, or produce a record not in existence at the time the request is received.

- d. If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and must pay or make agreed arrangements to pay the deposit provided for in this Policy. (See 6.4.1 for deposit provisions.)
- e. A form is available for use by requestors at the office of the Public Records Officer and on-line at [www.spokanecity.org](http://www.spokanecity.org).
- f. The Public Records Officer may accept in-person or telephonic verbal requests for public records that contain the above information. If the Public Records Officer accepts such a request, he or she may confirm receipt of the information and the substance of the request in writing. If the Public Records Officer does so, the written confirmation will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement of the scope.
- g. The Public Records Officer does not monitor social media sites or voicemail for public record requests. Public record requests will not be accepted via social media or voicemail.
- h. A "bot request" means a request that the City reasonably believes was automatically generated by a computer program or script. The Public Records Officer does not accept an automated or bot request that is one of multiple requests from the requestor to the City within a twenty-four hour period, if the request would cause excessive interference with other essential functions of the City.

## 6.0 PROCEDURE

### 6.1 Processing of Public Records Requests – General

#### 6.1.1 Providing "fullest assistance."

The City will provide the fullest assistance possible to requestors, consistent with recognition that the City has limited resources to respond to requests. The Public Records Officer will process requests in a manner and order allowing for the highest efficiency of the City's discharge of not only its Public Records Act obligations, but all of its obligations to the public, and will do so with the corollary aim of using the most reasonable cost-efficient methods available to the City as part of its normal operations and allowing the most requests to be processed in the most efficient manner.

**6.1.2 Acknowledging receipt of request.**

Within five (5) business days of receipt of the request, the Public Records Officer will do one or more of the following:

- a. Make the records available for inspection or copying in whole or in part;
- b. If copies are requested and full payment due from the requestor of the amount due under this policy is received by the City, or other terms of payment are agreed upon, provide the copies to the requestor;
- c. Provide a reasonable estimate of when the records will be made available or, if it is anticipated that the request will be fulfilled in a series of installment productions, a reasonable estimate of when the first set of records will be made available. The Public Records Officer may subsequently revise the estimate of when all or a partial set of records will be made available;
- d. If the request is unclear or does not sufficiently identify the records sought, request clarification from the requestor. Such clarification may be requested and provided by telephone. If the clarification is made by telephone, the Public Records Officer may confirm the scope of the clarification in writing. If the Public Records Officer provides written clarification, that confirmation will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement of the scope.
- e. Deny the request, in whole or part, specifying the reasons for the denial.
- f. The City may fulfill all or part of a request by providing an internet address and link on the City's web site to the specific records requested, except that if the requestor notifies the City that s/he cannot access the internet, the City will provide copies of the record or allow the requestor to view copies using a City computer.

**6.1.3 Consequences of failure to respond.**

If the City does not respond in writing within five (5) business days of receipt of the request for disclosure, the requestor should contact the Public Records Officer to determine the reason for the failure to respond.

If the requestor does not provide clarification in response to a request by the Public Records Officer for clarification, within thirty (30) days of the clarification request having been made, the City will consider the request abandoned as to those portions for which clarification was requested but not received, and advise the requestor in writing that the request has been closed as to those portions. Should the requestor, after such closure, provide clarification, his or her clarified request shall be considered a new request and shall be processed as such, and other public records requests can be processed ahead of such a clarified request.

**6.1.4 Protecting rights of others.**

In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the Public Records Officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include an accurate statement of the scope and terms of the request or a copy of the request. Typically, the Public Records Officer will give the person whose rights may be affected by disclosure ten (10) business days to obtain a Court order preventing the City from disclosing the record, but the Public Records Officer may determine that circumstances warrant a different notice/opportunity period. If no such Court order is received, the City will release the records to the requestor subject to applicable exemptions warranting withholdings(s) and/or redaction(s) by the City.

**6.1.5 Records exempt from disclosure.**

Some records responsive to a request are exempt from disclosure, in whole or part. If the City believes that a record is exempt from disclosure and should be withheld in the record's entirety, the Public Records Officer will identify in writing the existence and nature of the record, state the specific exemption supporting the withholding, and a brief explanation of how the exemption applies. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the Public Records Officer will, to the extent required by law, redact the exempt portions but provide the non-exempt portions, and state in writing the specific exemption supporting the redaction and a brief explanation of how the exemption applies.

Notwithstanding, the City's citation to a particular statutory exemption to support a withholding or a redaction shall not be considered

exclusive as to other statutory exemptions that may equally or alternatively be operative to support the withholding or redaction, as other statutory exemptions, not cited by the City at the time of the withholding/production of the redacted record(s), may later be cited by the City to support any withholding/redaction.

Any reasonably-understandable format may be used by the Public Records Officer to provide the requestor the written statutory exemption citation(s) and brief explanation(s) required for each withholding and/or redaction. According to the Public Records Officer's convenience and discretion, this information may be provided in the form of any or a combination of the following (which are provided as examples and without limitation): a "withholding/redaction index," and/or a written narrative, and/or (in the case of redactions) use of a keyed system of color-coded redaction boxes and/or redaction boxes with informational/explanatory content incorporated onto the boxes.

The assessment of the applicability of statutory exemptions, the performance of redactions, and the preparation of written withholding and/or redaction citations and explanations often takes substantial time and commitment of public monies and resources, and extends the time for production of records in response to requests. The Public Records Officer may explain to the requestor that performance of these steps will delay fulfillment of his or her request and invite the requestor to focus or narrow the request to save time and help serve the requestor's needs.

#### 6.1.6 Inspection of records.

- a. Consistent with other demands and resources, the City shall provide space to inspect public records. Upon reviewing the records, the requestor shall comply with policy section 5.2.3(b) regarding the "Protection of Records". If the requestor wishes copies, the requestor shall indicate which documents he or she wishes the City to copy, and, if asked, shall state whether s/he wishes the copies in paper or electronic format. If the requestor wishes copies but does not specify whether s/he wishes them in paper or electronic format, the Public Records Officer will provide the records in a format(s) that effectuates the most reasonable cost-efficient methods available to the City as part of its normal operations. The City and the requestor can make mutually agreeable arrangements for the times of inspection.

- b. The requestor must claim or review all of the records, or a partial installment set of all of the records, within thirty (30) days of the City's notification to him or her that records are available. Claiming or reviewing records includes payment of all charges due from the requestor when and as due under other applicable provisions of this Policy. When all or a partial set of all of the records are available for inspection or copying, the City will notify the requestor in writing that he or she should contact the City to make arrangements to claim or review the records. If the requestor fails within the thirty (30) day period to claim or review the records or make other arrangements, the City may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

**6.1.7 Providing copies of records.**

After inspection is complete, the Public Records Officer shall make the requested copies or arrange for copying.

**6.1.8 Closing withdrawn or abandoned request.**

When the requestor either withdraws the 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 Public Records Officer will close the request and indicate to the requestor that the City has closed the request.

**6.1.9 Later-discovered documents.**

If, after the City has informed the requestor that it has provided all responsive records, the City becomes aware of additional responsive records that existed at the time the request was received, the City will promptly inform the requestor of the additional documents and provide them on an expedited basis.

**6.1.10 Managing public records requests.**

The Public Records Officer is primarily responsible for managing the records requests based on the following criteria:

- a. The number of records responsive to a given request;
- b. The number and size of other records requests in the queue;
- c. The amount of processing required for the subject request or requests and other requests in the queue;

- d. The status of a particular request that is waiting for third-party review or requestor action;
- e. The current volume of other City work, as it affects the amount of staff time that can be devoted to the subject request or requests; and
- f. The Public Records Act's requirement that "Agencies shall not distinguish among persons requesting records."

## 6.2 Processing of public record requests – electronic records.

### 6.2.1 Requesting electronic records.

The process for requesting electronic records is the same as for requesting paper public records.

### 6.2.2 Providing electronic records.

When a requestor requests records in an electronic format, the Public Records Officer will provide the nonexempt records or nonexempt portions of such records that are reasonably locatable in an electronic format that is used by the City and is generally commercially available, or in a format that is reasonably translatable from the format in which the City keeps the records, as long as it is reasonable and technologically feasible for the City to do so. The City is not required to produce records in electronic format when redactions are required and the City must print the records to make the redactions.

### 6.2.3 Customized access to data bases.

With the consent of the requestor, the City may provide customized access under RCW 43.105.355 if the record is not reasonably locatable or not reasonably translatable into the format requested. The City will first consult with the requestor before undertaking steps needed for specialized access. The City may charge a fee consistent with RCW 42.56.120(3)(b) for such customized access only if the City has first notified the requestor of the customized service charge, including an explanation of why the charge applies, a description of the specific expertise, and a reasonable estimate of the charge. The requestor will also be notified that s/he may amend his/her request in order to avoid or reduce the customized access charge.

## 6.3 Exemptions

6.3.1 The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In

addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the exemptions, outside the Public Records Act, that restrict the availability of some documents held by the City of Spokane for inspection and copying. The list is a partial list only, and there may be other statutes that restrict or limit the disclosure to the public. These exemptions are located in Attachment B.

- 6.3.2 The City is prohibited by statute from disclosing lists of individuals for commercial purposes. If a requestor asks for a list of individuals or a requestor seeks records which include a list of individuals, the Public Records Officer is to determine if there is any indication that the requested list may be used for commercial purposes. If the Officer determines that there is such an indication, the requestor will be asked to complete a "Commercial Purpose Declaration" (Attachment D). If the requestor asserts some "commercial" purpose to the request, the City is forbidden by state law from providing the requested records.

#### 6.4 Costs of Providing Copies of Public Records

- 6.4.1 No fee shall be charged for the inspection of public records.
- 6.4.2 No fee shall be charged for locating public documents and making them available for copying.
- 6.4.3 Under RCW 42.56.120, an agency need not calculate the actual costs it charges for providing public records if the agency has rules or regulations declaring the reasons for doing so would be unduly burdensome. To the extent an agency has not determined the actual cost of copying public records, an agency may use the statutory default copy fee schedule set forth in RCW 42.56.120. Based on the following findings, the City will charge fees for copies of records pursuant to the default fees in RCW 42.56.120(2)(b) and (c) and as described in Attachment C and Sections 6.4.4 through 6.4.7 below:
- a. Calculating the actual cost of providing public records would be unduly burdensome because funds were not allocated for performing a study to determine actual copying costs.
  - b. The City lacks the necessary funds and staff resources to conduct a comprehensive study to determine its actual copying costs.
  - c. To conduct such a cost study would interfere with the City's other essential agency functions.

6.4.4 The City of Spokane waives fees for production of records if production totals less than one dollar (\$1). It would be unduly burdensome for the City to prepare a statement, collect money, and comply with all the state laws surrounding the collection and receipt of money for these small record productions. It would cost the City more to collect and receipt the money than would be collected for these small record productions. (See RCW 42.56.120(2)(b))

6.4.5 Costs for photo/printed/electronically scanned copies.

The City charges fifteen cents (\$0.15) per page for photocopies to be produced to a requestor or for electronic records printed to paper.

If paper records must be scanned to electronic format to fulfill a request because the requestor asked for electronic copies of records that exist only in paper format, the City charges ten cents (\$.10) per scanned page.

Before beginning to make photo, printed, and/or scanned copies, the Public Records Officer may require a deposit of up to ten percent (10%) of the estimated costs of doing so for all the records selected by the requestor. The Public Records Officer may also require the payment of the remainder of all costs chargeable under this Policy for fulfilling the requestor's request, before providing all the records, or the Public Records Officer may require payment of the chargeable costs under this Policy for providing a partial installment of records, before providing that installment to the requestor. The City will not assess sales tax on any cost otherwise chargeable to the requestor under this Policy.

6.4.6 Costs of mailing, emailing, and digital storage media.

The City may also charge actual costs of delivery of the records to the requestor, including the cost/fees of postage or transmission charged by the postal service or delivery provider; the cost of the shipping container (e.g., envelope); the cost of any digital media storage device on which records are saved for delivery (such as a hard disk, DVD or CD, flash drive, etc.); and the cost of the device's container.

The City may also charge five cents, each, per four electronic files or attachments, uploaded to email, cloud-based data storage service, or other means of electronic delivery.

The City may also charge ten cents per gigabyte for the transmission of records in an electronic format or for the use of agency equipment to send the records electronically.

These costs may be added to any other costs required of the requestor, to be paid by the requestor as a condition precedent to the City making available to the requestor all, or any partial installment production of, the requested records.

6.4.7 If materials need to be copied by an outside source, the requestor pays the actual amount invoiced to the City by the vendor.

6.4.8 Payment.

Payment may be made by cash, check, or money order to the City of Spokane. Checks returned to the City for non-sufficient funds are treated as non-payment and referred to collection.

## 6.5 Review of Denials Of Public Records

6.5.1 Optional 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 email) to the Public Records Officer for a review of that decision within sixty (60) days of the denial of access. The petition shall include a copy of or reasonably identify the written statement by the Public Records Officer denying the request.

6.5.2 Consideration of petition for review.

a. The Public Records Officer shall promptly provide the petition and any other relevant information to the Hearing Examiner, with copy to the City Attorney.

b. The City Attorney or designee may file a response to the petition with the Hearing Examiner. Any response to the petition must be filed with the Hearing Examiner within five (5) business days following the City's receipt of the appeal.

c. The Hearing Examiner will consider the petition and either affirm, modify, or reverse the denial within ten (10) business days following the City's receipt of the petition, or within such greater period of time as the City and the requestor mutually agree to.

6.5.3 Judicial review.

Any person may obtain court review of a denial of a public records request pursuant to RCW 42.56.520 at the conclusion of two (2) business days after the initial denial regardless of any internal administrative review.

## 6.6 Disaster Recovery Tapes

The City periodically creates backup tapes of the City's computer files. These tapes are copies of data and other records. Creation of the backup tape is a method of copying electronic records and is not intended to create a new public record. The disaster recovery tapes exist so that computer files can be restored in case of disaster to City records, infrastructure, or computer systems, and have no retention value under the state Local Government Common Records Retention Schedule (i.e., the tapes may be retained until no longer needed then may be destroyed). The data on the disaster recovery tapes are not in a readily searchable format and, to prevent excessive interference with essential functions of the City, the tapes will not generally be searched pursuant to a public records request.

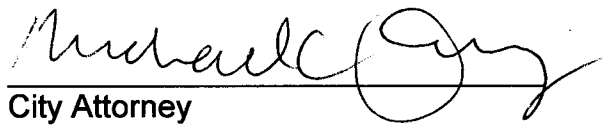
7.0 RESPONSIBILITIES

The City Clerk shall administer this policy.

8.0 APPENDICES

- Attachment A – Public Records Request Form
- Attachment B – List of Documents Exempt From Public Inspection and Copying Outside the Public Records Act
- Attachment C – Fee Schedule
- Attachment D – Commercial Purpose Declaration

Approved by:

  
City Attorney

January 5, 2018  
Date

  
City Clerk

January 5, 2018  
Date

  
City Administrator

1/8/18  
Date



**PUBLIC RECORDS REQUEST**  
(RCW 42.56)

**DEPARTMENT:** \_\_\_\_\_

**NAME:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**TELEPHONE:** \_\_\_\_\_ **E-MAIL:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**CITY:** \_\_\_\_\_ **STATE:** \_\_\_\_\_ **ZIP:** \_\_\_\_\_

**IDENTIFICATION/DESCRIPTION OF RECORDS(S) SOUGHT:**

Be as specific as possible in describing the records you seek. Your description must be sufficient to make the records reasonably locatable by City staff.

\_\_\_\_\_  
\_\_\_\_\_

Date Range of Records You are Requesting: Starting date \_\_\_\_\_ Ending date \_\_\_\_\_ (Ending date cannot be a future date)

**ELECTRONIC RECORDS:**

(Yes)  (No) Mark "Yes" if you would like the City's search for responsive records to include records held in digital format (e.g., emails). If "Yes," digitally-stored records may be searched electronically, using key words. If possible, state the key word(s) to be included in these search(es) such that you would consider the electronic search(es) to comprise a reasonably adequate effort to locate all electronic records you seek:

Search term(s) (if more than one, insert commas to separate; place quotation marks ("") around phrases): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

- I wish to discuss options for copying or reviewing records once the records or an installment is made available.
- I wish to have copies/duplicates of the records that are located in response to the request. I agree to pay all associated fees. (Prepayment may be required.)
- I wish to make an appointment to review the records indicated above before copies are made.
- Call me – I will pick up records.

I certify that any lists of individuals obtained through this request will not be used for commercial purposes [RCW 42.56.070(9)].

Signature: \_\_\_\_\_

**SUBMIT COMPLETED FORM TO:** City Clerk's Office  
5<sup>th</sup> Floor City Hall  
808 W. Spokane Falls Blvd.  
Spokane, WA 99201  
(509) 625-6350

List of Documents Exempt From Public Inspection and Copying  
Outside the Public Records Act

Washington State Statutes

<u>Citation</u>	<u>Records</u>
RCW 2.64.111	Documents regarding discipline/retirement of judges
RCW 2.64.113	Confidentiality – violations
RCW 4.24.250	Hospital Review Records on professional staff
RCW 4.24.550	Information on sex offenders to public
RCW 4.24.601, .611	Trade secrets and confidential research
RCW 4.92.210	Information in centralized risk management system
RCW 5.60.060	Privileged communications, including attorney-client privilege
RCW 5.60.070	Court-ordered mediation records
RCW 7.07.050(5), .070	Mediation communications
RCW 7.68.140	Records re: victims of crimes
RCW 7.69A.030(4)	Child victims and witnesses – protection of identity
RCW 7.69A.050	Rights of child victims and witnesses – addresses
RCW 7.75.050	Records of Dispute Resolution Centers
RCW 7.77.140	Collaborative law process information
RCW 9.02.100	Reproductive privacy
RCW 9.41.129	Concealed pistol license applications
RCW 9.51.050	Disclosing transaction of grand jury
RCW 9.51.060	Disclosure of grand jury deposition
RCW 9.73.090(1)(c)	Prohibition regarding specified emergency response personnel recordings
RCW 9.73.230	Names of confidential informants
RCW 9A.82.170	Financial institution records – wrongful disclosure
RCW 10.27.090	Grand jury testimony/evidence
RCW 10.27.160	Grand jury reports – release to public only by judicial order
RCW 10.29.030	Organized crime special inquiry judge
RCW 10.29.090	Records of special inquiry judge proceedings
RCW 10.52.100	Records identifying child victim of sexual assault
RCW 10.77.210	Records of persons committed for criminal insanity
RCW 10.97.040	Criminal history information released must include disposition
RCW 10.97.050	Conviction and criminal history information
RCW 10.97.060	Deletion of certain criminal history record information, conditions
RCW 10.97.070	Disclosure of identity of suspect to victim
RCW 10.97.080	Inspection of criminal record by subject
RCW 10.101.020	Indigent defense information
RCW 13.32A.090	Crisis residential centers notice to parent about child
RCW 13.34.115	Court dependency proceedings
RCW 13.40.217	Juveniles adjudicated of sex offenses – release of information
RCW 13.50.010	Maintenance of and access to juvenile records
RCW 13.50.050	Juvenile offenders
RCW 13.50.100	Juvenile/children records not relating to offenses

RCW 13.60.020	Missing children information
RCW 13.70.090	Citizen juvenile review board – confidentiality
RCW 18.04.405	Confidentiality of information gained by CPA
RCW 18.19.060	Notification to clients by counselors
RCW 18.20.120	Boarding home licensing records
RCW 18.19.180	Confidential communications with counselors
RCW 19.215.020	Destruction of personal health and financial information
RCW 19.34.240(3)	Private digital signature keys
RCW 19.215.030	Compliance with federal rules
RCW 26.04.175	Name and address of domestic violence victim in marriage records
RCW 26.12.170	Reports of child abuse/neglect with courts
RCW 26.23.050	Child support orders
RCW 26.23.120	Child support records
RCW 26.26.041	Uniform Parentage Act – protection of participants
RCW 26.26.450	Confidentiality of genetic testing
RCW 26.33.330	Sealed court adoption records
RCW 26.33.340	Agency adoption records
RCW 26.33.343	Access to adoption records by confidential intermediary
RCW 26.33.345	Release of name of court for adoption or relinquishment
RCW 26.33.380	Adoption – identity of birth parents confidential
RCW 26.44.010	Privacy of reports on child abuse and neglect
RCW 26.44.020(19)	Unfounded allegations of child abuse or neglect
RCW 26.44.030	Reports of child abuse/neglect
RCW 26.44.125	Right to review and amend abuse finding – confidentiality
RCW 27.53.070	Records identifying the location of archaeological sites
RCW 29A.08.720	Voter registration records – place of registration confidential
RCW 29A.08.710	Voter registration records – certain information exempt
RCW 35.102.145	Municipal business and occupation tax – Confidentiality, privilege, and disclosure RCW 39.10.470(2) Alternative public works contractor information
RCW 39.10.470(3)	Design-build finalist proposals prior to selection
Chapter 40.14 RCW	Preservation and destruction of public records
RCW 40.24.070	Names of persons in domestic violence or sexual assault programs
RCW 42.23.070(4)	Municipal officer disclosure of confidential information prohibited
RCW 42.41.030(7)	Identity of local government whistleblower
RCW 42.41.045	Non-disclosure of protected information (whistleblower)
RCW 42.56.230	Personal Information
RCW 42.56.240	Investigative, law enforcement, and crime victims
RCW 42.56.250	Employment and licensing
RCW 42.56.260	Real estate appraisals
RCW 42.56.270	Financial, commercial and proprietary information
RCW 42.56.280	Preliminary drafts, notes, recommendations, inter-agency memorandum
RCW 42.56.290	Agency part of controversy
RCW 42.56.300	Archaeological sites
RCW 42.56.310	Library records

RCW 42.56.320	Education materials
RCW 42.56.330	Public utilities and transportation
RCW 42.56.335	Public utility districts and municipally owned electrical utilities -
	Restrictions of access by law enforcement
RCW 42.56.340	Timeshare, condominium, etc. owner lists
RCW 42.56.350	Health professionals
RCW 42.56.360	Health care
RCW 42.56.370	Domestic violence program, rape crisis center clients
RCW 42.56.380	Agriculture and livestock
RCW 42.56.390	Emergency or transitional housing
RCW 42.56.400	Insurance and financial institutions
RCW 42.56.403	Property and casualty insurance statements of actuarial opinion
RCW 42.56.410	Employment security department records, certain purposes
RCW 42.56.420	Security
RCW 42.56.430	Fish and wildlife
RCW 42.56.440	Veteran's discharge papers – Exceptions
RCW 42.56.450	Check cashers and sellers licensing applications
RCW 42.56.460	Fireworks
RCW 42.56.470	Correctional industries workers
RCW 42.56.480	Inactive programs
RCW 46.52.080	Traffic accident reports – confidentiality
RCW 46.52.083	Traffic accident reports – available to interested parties
RCW 46.52.120	Traffic crimes and infractions – confidential use by police and courts
RCW 46.52.130(2)	Abstract of driving record
RCW 46.63.170(g)	Automated traffic safety cameras - Definition
RCW 48.62.101	Local government insurance transactions – access to information
RCW 49.76.040	Employee's information regarding domestic violence
RCW 49.76.090	Domestic violence leave information
RCW 49.86.020(4)	Individual information re family leave program
RCW 50.13.060	Access to employment security records by local government agencies
RCW 50.13.100	Disclosure of non-identifiable information or with consent
RCW 51.28.070	Worker's compensation records
RCW 51.36.060	Physician information on injured workers
RCW 60.70.040	No duty to disclose record of common law lien
RCW 68.50.105	Autopsy reports
RCW 68.50.320	Dental identification records – available to law enforcement agencies
Chapter 70.02 RCW	Medical records – access and disclosure – entire chapter (HC providers)
RCW 70.05.170	Child mortality reviews by local health departments
RCW 70.24.022	Public health agency information regarding sexually transmitted disease investigations - confidential
RCW 70.24.024	Transcripts and records of hearings regarding sexually transmitted diseases
RCW 70.24.105	HIV/STD records

RCW 70.28.020	Local health department TB records – confidential
RCW 70.41.200	Hospital quality improvement committee records and accreditation reports
RCW 70.48.100	Jail records and booking photos
RCW 70.58.055	Birth certificates – certain information confidential
RCW 70.58.104	Vital records, research confidentiality safeguards
RCW 70.94.205	Washington Clean Air Act – confidentiality of data
RCW 70.96A.150	Alcohol and drug abuse treatment programs
RCW 70.123.075	Client records of domestic violence programs
RCW 70.125.065	Records of rape crisis centers in discovery
RCW 71.05.390	Information about mental health consumers
RCW 71.05.395	Ch. 70.02 RCW applies to mental health records
RCW 71.05.400	Information to next of kin or representative
RCW 71.05.425	Notice of release or transfer of committed person after offense dismissal
RCW 71.05.427	Information that can be released
RCW 71.05.430	Statistical data
RCW 71.05.440	Penalties for unauthorized release of information
RCW 71.05.445	Release of mental health information to Department of Corrections
RCW 71.05.620	Authorization requirements and access to court records
RCW 71.05.630	Release of mental health treatment records
RCW 71.05.640	Access to treatment records
RCW 71.05.650	Accounting of disclosures
RCW 71.24.035(5)(g)	Mental health information system – state, county and regional support networks – confidentiality of client records
RCW 71.34.200	Mental health treatment of minors – records confidential
RCW 71.34.210	Court records for minors related to mental health treatment
RCW 71.34.225	Release of mental health services information
RCW 71A.14.070	Records regarding developmental disability – confidentiality
RCW 72.09.345	Notice to public about sex offenders
RCW 72.09.585(3)	Disclosure of inmate records to local agencies – confidentiality
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 74.13.121	Financial information of adoptive parents
RCW 74.13.280	Children in out-of-home placements - confidentiality
RCW 74.20.280	Child support enforcement – local agency cooperation, information
RCW 74.34.095	Abuse of vulnerable adults - confidentiality of investigations and reports
RCW 82.32.330	Disclosure of tax information
RCW 84.36.389	Confidential income data in property tax records held by assessor
RCW 84.40.020	Confidential income data supplied to assessor regarding real property

## Selected Federal Confidentiality Statutes and Rules

18 USC § 2721-2725	Driver and License Plate Information
20 USC § 1232g	Family Education Rights and Privacy Act
23 USC § 409	Evidence of certain accident reports
42 USC 290dd-2	Confidentiality of Substance Abuse Records
42 USC 405(c)(2)(vii)(I)	Limits on Use and Disclosure of Social Security Numbers.
42 USC 654(26)	State Plans for Child Support
42 USC 671(a)(8)	State Plans for Foster Care and Adoption Assistance
42 USC 1396a(7)	State Plans for Medical Assistance
7 CFR 272.1(c)	Food Stamp Applicants and Recipients
34 CFR 361.38	State Vocational Rehabilitation Services Programs
42 CFR Part 2 (2.1 - 2.67)	Confidentiality of Alcohol and Drug Abuse Patient Records
42 CFR 431.300 - 307	Safeguarding Information on Applicants and Recipients of Medical Assistance
42 CFR 483.420	Client Protections for Intermediate Care Facilities for the Mentally Retarded
42 CFR 5106a(b)(2)(A)	Grants to States for Child Abuse and Neglect Prevention and Treatment Programs
45 CFR 160-164	HIPAA Privacy Rule
46 CFR 40.321	USCG regulations regarding confidentiality of drug and alcohol test results done by marine employers

**CITY OF SPOKANE  
PUBLIC RECORD ACT  
\*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:**

Paper copies (photocopies or printing electronic records), B&W or color: 8x11; 8x14; 11x17	15 cents per page
Scanned records (converting a record from a paper copy to an electronic format)	10 cents per page
Records uploaded to email, or cloud-based data storage service, or other means of electronic delivery	5 cents each per four electronic files or attachments
Records transmitted in electronic format or for use of agency equipment to send records electronically.	10 cents per gigabyte for transmission of records in an electronic format
Digital storage media or device on which records are saved for delivery: <ul style="list-style-type: none"> <li>• CD</li> <li>• DVD</li> <li>• Thumb drive</li> <li>• Other</li> </ul>	Actual cost
Label, case, and/or sleeve for CD/DVD	Actual cost
Postage or delivery charges – Specific amount based upon postage/delivery charges for specific mailings or deliveries.	Actual cost

↑Copy charges above may be combined to the extent more than one type of charge applies to copies responsive to a particular request.

**Records copied by outside source:**

If materials need to be copied by an outside source, the requestor pays the actual amount invoiced to the City by the Vendor	Actual cost
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**CITY OF SPOKANE  
PUBLIC RECORD ACT  
\*FEE SCHEDULE**

**Customized Service:**

Data compilations prepared or accessed as a customized service (cost is in addition to above fees for copies).

\*Police Department and Spokane Public Library are not covered under this cost schedule.

Examples:	Installment contains	400 scanned pages x 10 cents per page	\$40.00
		72 electronic files / 4 = 18 x 5 cents	\$ 0.09
		80 MB	\$ 0.00
		DVD	\$ 0.25
		Sleeve	\$ 0.07
		Envelope	\$ 0.72
		Postage	<u>\$ 3.00</u>
		<b>Total:</b>	<b><u>\$44.13</u></b>

Email installment (emails that are Copied by I&TS)	200 emails 116,329 KB CD Sleeve Envelope Postage	\$ 0.00 \$ 0.27 \$ 0.07 \$ 0.72 <u>\$ 3.00</u>
	<b>Total:</b>	<b><u>\$ 4.06</u></b>

If responsive emails are uploaded to a response provided by City Clerk staff, then the 5 cents each per four electronic files or attachments, plus 10 cents per gigabyte for transmission of records in an electronic format, will apply if the cost of production exceeds \$1.

The City of Spokane waives fees for production of records if production totals less than \$1. Production of records does not include actual cost of digital storage media device, envelope, and postage. The City of Spokane charges actual costs of digital storage media or device, envelope, and postage (if applicable).

**CITY OF SPOKANE  
COMMERCIAL PURPOSE DECLARATION  
Public Records Requests under RCW Ch. 42.56 for Lists of Individuals**

**Re: Public Records Request dated:** \_\_\_\_\_

You or your organization or business has made a public records request for a list of individuals from the City of Spokane. The Washington State Public Records Act (PRA) at RCW 42.56.070(8) provides that:

This chapter shall not be construed as giving authority to any agency... to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies... shall not do so unless specifically authorized or directed by law...

The PRA at RCW 42.56.080 authorizes agencies to require a requestor to provide information as to the purpose of a request "to establish whether inspection and copying would violate RCW 42.56.070(8)."

The Washington State Court of Appeals ruled that in responding to a public records request that includes a list of individuals, an agency must investigate if that list might be used for commercial purposes, in order to comply with the obligations of RCW 42.56.070(8). *SEIU Healthcare 775NW v. State*, 193 Wn. App. 377, 377 P.3d 214 (2016). The Court also ruled that information to be provided by a requestor to an agency includes the purpose of the request, the identity of the requestor, the nature of the records requested, and other information necessary to determine if the list of individuals can be provided under RCW 42.56.070(8).

**Instructions:**

**In order to ensure compliance with this obligation please complete the declaration on the reverse of this form and return it to the Public Records Officer.** If we do not receive a completed declaration, we will be unable to process your request for the list and the request for the list will be administratively closed. If we have questions for you after you complete the declaration, we will contact you. Therefore, make sure you also provide contact information at the bottom of the declaration.

**Return this completed declaration form to the Public Records Officer or other designated person at: Office of the City Clerk, 808 W. Spokane Falls Blvd., Spokane, WA 99201 or email to [clerks@spokanecity.org](mailto:clerks@spokanecity.org).**

**This declaration is a public record.**

## DECLARATION UNDER PENALTY OF PERJURY

1. I have requested a list of individuals from the City of Spokane.
2. I am requesting the list of individuals on behalf of (specify which one applies):  
  
    \_\_\_\_\_ My Own Personal Behalf (*skip to 3.*)  
    \_\_\_\_\_ Organization or Business (*complete a. – c. before proceeding to 3.*)
  - a. If an organization or business, the name of the organization or business is:
  - b. If an organization or business, the purpose of the organization or business is:
  - c. If an organization or business, the mailing address and website address are:
3. The purpose in making this request for the list of individuals is:
4. I or the organization/business intend to generate revenue or financial benefit, directly or indirectly, from using the list of individuals: \_\_\_\_\_ Yes \_\_\_\_\_ No
5. I or the organization/business intend to solicit money or financial support from any of the individuals on the list: \_\_\_\_\_ Yes \_\_\_\_\_ No
6. I or the organization/business intend to make individuals on the list aware of business commercial entities, business/financial enterprises or business/financial opportunities: \_\_\_\_\_ Yes \_\_\_\_\_ No
7. I or the organization/business intend to supply or sell the list of individuals to any organization or business, third party individual (someone other than myself or the organization or business listed in paragraph 2), or any other entity: \_\_\_\_\_ Yes \_\_\_\_\_ No  
If yes, to whom:
8. I or my organization/business attest that another law authorizes or directs the agency to provide me or my organization/business the list of individuals requested: \_\_\_\_\_ Yes \_\_\_\_\_ No  
If yes, provide specific citation:

**I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. I certify under penalty of perjury that I have read the first page of this declaration form and I understand that a list of individuals cannot be provided to me or to my organization or business by a public agency if the list will be used for a commercial purpose. I certify under penalty of perjury that any list of individuals I or my organization or business receive pursuant to my request dated \_\_\_\_\_, 20 \_\_, to the City of Spokane will not be used for any commercial purpose in violation of RCW 42.56.070(8).**

**DATED this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_ in \_\_\_\_\_.**

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**Signature of Declarant**

**Print Name**

**Declarant's Title (if any):**

**Declarant's contact information (phone number, email, or both):**