

Procedure – Public Access to District Records

Purpose of these Procedures and General Principles

These procedures explain the process for obtaining access to school district records.

School district records relating to the conduct of the district or the performance of any governmental or proprietary function prepared, owned, used, or retained by the district in any format are generally considered *public records*.

When processing requests for public records, the district will provide the fullest assistance to the requester and provide a response in the most timely manner possible.

District Public Records Officer

Public Records Officer

Requests for district records should be directed in writing to the Public Records Officer listed below, whose responsibilities include serving as the point of contact for members of the public who wish to request public records.

The Public Records Officer of the district may be reached at the district's Central Administrative Building as follows:

Diana Crawford, Public Records Officer
111 Bethel Street NE
Olympia, WA98506
Phone: 360-596-6112 Fax: 360-596-6111
Email: dcrawford@osd.wednet.edu

Requesters may also visit the district website at <https://osd.wednet.edu> to request public records.

Public Records Officer Training

The Public Records Officer shall complete training related to the Washington Public Records Act and public records retention no later than ninety (90) days after assuming the responsibilities as the Public Records Officer. After the initial training, the Public Records Officer will complete refresher training at intervals of no more than four years as long as he or she remains the district's Public Records Officer. Training will include issues related to the retention, production and disclosure of electronic documents.

Availability of Public Records

Public records are available for inspection by appointment, during normal business hours of the district, Monday through Friday, 8:00 a.m. to 5:00 p.m. during the school year, and 8:00 a.m. to 4:30 p.m. on days that school is not in session, excluding holidays. Records must be inspected at the offices of the district.

Organization of Records

The district will maintain its records in a reasonable, organized manner and take reasonable actions to protect records from damage and disorganization. A requester shall not take district records, including photos or video thereof, without the permission of the Public Records Officer or designee. During the inspection of records, a district employee will typically be present to protect records from damage or disorganization. If the requester wishes to have copies of the records made, he or she should so indicate to the Public Records Officer or designee.

The district will maintain a log of public records requests that have been submitted to and processed by the district. This log will include, but not be limited to, the following information for each request: The identity of the requester if provided, the date the request was received, the text of the original request, a description of the records produced in response to the request, a description of the records redacted or withheld and the reasons therefore, and the date of the final disposition of the request.

Information Online

A variety of records and information are available on the district website at <https://osd.wednet.edu>. Requesters are encouraged to view the documents available on the website prior to submitting a records request.

Making a Public Records Request

Request to Public Records Officer

Any person wishing to inspect or obtain a copy of public records of the district shall make the request in person during the district's normal business hours, or in writing by letter, fax or email addressed to the Public Records Officer and include the following information:

- Name, address, telephone number and email address of requester;
- A detailed and specific description of the public records sought that is adequate for the Public Records Officer or designee to locate the requested records; and
- The date the request is submitted to the district.

Identifiable Records

A request under the Washington Public Records Act must seek an *identifiable record or identifiable records*. A request for all or substantially all of the records prepared, owned, used or retained by the district is not a valid request for identifiable records. Requests for information from the district that do not seek identifiable records are also not covered by Policy 4040 or this procedure. A request for all records discussing a particular topic or containing a particular keyword or name will not be considered a request for all of the district's records.

Requesting Electronic Records

The process for requesting electronic public records is the same as for requesting paper public records. However, to assist the district in responding to a request for electronic records, a requester should provide specific search terms that will allow the Public Records Officer or designee to locate and assemble identifiable records responsive to the request.

Creating New Records

The district is not obligated by law to create a new record to satisfy a records request for information.

Copies of Records

If the requester wishes to have copies (including electronic copies) of the records made instead of inspecting them, he or she should make this clear in the request and arrange to pay for copies of the records in advance.

Requests Not in Writing

The Public Records Officer or designee may accept informal requests for public records by telephone or in person. To avoid any confusion or misunderstanding, however, requesters should be mindful that a request reduced to writing is always the preferred method. If the Public Records Officer or designee receives a

request by telephone or in person, the Public Records Officer will generally confirm his or her understanding of the request with the requester in writing.

Processing of Public Records Requests

Order of Processing Requests

The district will typically process requests in the order received. However, requests may also be processed out of order if doing so allows the most requests to be processed in the most efficient manner.

Five-Day Response

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

1. Provide copies of the record(s) requested or make the record available for inspection — or, in the alternative, provide an internet address and link to the district’s website where the specific record can be accessed (provided that the requester has not notified the district that he or she cannot access the records through the internet); or
2. Acknowledge that the district has received the request and provide a reasonable estimate of the time it will require to respond to the request; or
3. Acknowledge that the district has received the request, and ask the requester to provide

clarification for a request that is unclear, while providing to the greatest extent possible a reasonable estimate of the time the district will require to respond to the request if it is not clarified;
or

4. Deny the request.

If the requester fails to respond to the district's request for clarification within 30 days and the entire request is unclear, the district may close the request. If the requester fails to respond to the district's request for clarification within 30 days, and only part of the request is unclear, the district will respond to the portion of the request that is clear and may close the remainder of the request. In unusual circumstances, the district may also seek a court order enjoining disclosure pursuant to law.

The district may deny a "bot" request that is one of multiple requests from the requester within a twenty-four-hour period if the district establishes that responding to the "bot" requests would cause excessive interference with the district's other essential functions. The district may deem a request to be a "bot" request when the district reasonably believes the request was automatically generated by a computer program or script.

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

Purpose of Request

The district may inquire into the purpose for which a record is requested and may use the answer to aid in gathering responsive records and determining whether the public has a legitimate interest in obtaining the information. However, a requester is not required to provide a purpose and the district may not decline to furnish the records solely because the requester refuses to furnish a purpose for the request. RCW 42.56.070 (9) prohibits providing access to lists of individuals requested for commercial purposes.

Protecting Rights of Others

In the event that the requested records contain information that may affect rights of others and may be arguably exempt from disclosure, the Public Records Officer may, prior to providing the records, give notice to such others. The notice will inform the persons affected by the request that they may seek a court order to prevent or limit the disclosure. The notice to the affected persons will also include a copy of the request.

Records Exempt from Disclosure

Some records are exempt from public disclosure, in whole or in part, under a specific exemption contained in Chapter 42.56 RCW or another statute which exempts or prohibits disclosure of specific information or records.

If the district believes that a record is exempt from disclosure and should be withheld, the Public Records Officer will state in writing the specific exemption (and statutory section) which applies and provide a brief explanation of how the exemption applies to the record being withheld or redacted. This exemption and explanation will be provided to the requester in an exemption log.

If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the Public Records Officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requester why portions of the record are being redacted on the redacted record, in the letter provided with the records, or in a redaction log.

List of Laws Exempting or Prohibiting Disclosure

Pursuant to RCW 42.56.070 (2), these procedures contain a list of laws — other than those specifically listed in the Washington Public Records Act, Chapter 42.56 RCW — which may exempt disclosure of certain public records or portions of records. The district has identified the following laws:

- The Family Educational and Privacy Rights Act (FERPA), 20 USC § 1232g and 34 CFR Part 99 (regarding student educational records);
- Washington State Student Education Records Law, RCW 28A.605.030;
- The Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et. seq. and 34 CFR Part 300 (protecting the confidentiality of personally identifying information contained in student records of students with disabilities).
- Privileged communications and attorney work product, such as set forth in Chapter 5.60 RCW;
- Criminal Records Privacy Act (CRPA), Chapter 10.97, RCW;
- Information on students receiving free or reduced-price lunch, 42 USC § 1758(b)(6);
- Health Insurance Portability and Accountability Act (HIPAA), 45 CFR Parts 160-164 (regarding health care information privacy and security);
- Abuse of Children – Protection and Procedure, RCW 26.44.010; RCW 26.44.030(9);
- Notification of Juvenile Offenders, RCW 13.04.155(3);
- Examination questions for teachers or pupils prior to the examination, Questions, RCW 28A.635.040;
- Public Law 98-24, Section 527 of the Public Health Services Act, 41 USC § 290dd-2 (confidentiality of alcohol and drug abuse patient records);
- United States and Washington Constitutional provisions including, but not limited to, the right of privacy and freedom of association.

In addition to these exemptions, RCW 42.56.070 (9) prohibits providing access to lists of individuals requested for commercial purposes, and the district may not do so unless specifically authorized or directed by law.

The above list is for informational purposes only and is not intended to cover all possible exemptions to the Public Records Act. Under appropriate circumstances, the district may also rely upon other legal exemptions that are not set forth above or contained within the Public Records Act.

Inspection of Records

Consistent with other demands, and without unreasonably disrupting district operations, the district shall promptly provide for the inspection of nonexempt public records. There is no cost to inspect district records. No member of the public may remove a document from the viewing area without the permission of the Public Records Officer, nor may he or she disassemble or alter any document. The requester shall indicate which documents he or she wishes the district to copy.

Providing Copies of Non-Electronic Records

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

Providing Electronic Records

When a requester requests records in an electronic format, the Public Records Officer or designee will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the district and is generally commercially available, or in a format that is reasonably translatable from the format in which the district keeps the record.

Providing Records in Installments

When the request is for a large number of records, the Public Records Officer or designee has the right to provide access for inspection and copying in installments. If, within thirty (30) days, the requester fails to inspect the entire set of records or one or more of the installments, the Public Records Officer or designee may stop searching for the remaining records and close the request as discussed further below.

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 indicate that the district has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

Closing Withdrawn or Abandoned Request

The requester must claim or review the assembled records within thirty (30) days of the district's notification to him or her that the records are available for inspection or copying. The district should notify the requester in writing of this requirement and inform the requester that he or she should contact the district to arrange to claim or review the records. If the requester or a representative of the requester fails to claim or review the records within the thirty-day period or make other arrangements, the district may close the request and refile the assembled records.

When the requester 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.

Later Discovered Documents

If, after the district has informed the requester that it has provided all available records, the district becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requester of the additional documents and provide them on an expedited basis.

COSTS OF PROVIDING RECORDS, WAIVER OF COSTS, AND AGREEMENTS REGARDING COSTS

The district generally does not calculate the actual cost for providing public records. Public records are processed internally, and the calculation for each individual request, of staff time to copy, redact, and send the requested public records, the cost per page for use of the district's copying and scanning equipment, and the cost of electronic production or file transfer of the records, would be unduly burdensome, due to the district's public records staffing and the number of requests typically received by the district.

Cost of Printed Copies and Mailing

The cost of providing photocopies or printed copies of electronic records in response to public records requests is fifteen (15) cents per page for all requests. Payment may be made by cash, check, credit/debit card, or money order payable to the district. The district will also charge actual costs of mailing, including the cost of the shipping container or envelope.

If requested, the district will provide a summary of the applicable charges before any copies are made. The requester will be allowed to revise the request in order to reduce the applicable charges. The Public Records Officer or designee will require the payment of the copying costs before providing requested records, or the payment of the costs of copying an installment before providing that installment.

Cost for Electronic Records

The charges for providing electronic records is as follows:

1. Ten (10) cents per page for public records scanned into an electronic format or for the use of district equipment to scan the records;
2. Five (5) cents per each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery;
3. Ten (10) cents per gigabyte for the transmission of public records in an electronic format or for the use of district equipment to send the records electronically; and
4. The actual cost of any digital storage media or device provided by the district, the actual cost of any container or envelope used to mail the copies to the requester, and the actual postage or delivery charge.

If requested, the district will provide a summary of the applicable charges before charges are imposed under this procedure. The requester will be allowed to revise the request in order to reduce the applicable charges. The Public Records Officer or designee will require the payment of scanning costs before providing the requested records, or the payment of the costs of scanning an installment before providing that installment.

The district will not impose scanning charges for access to or downloading of records that the district routinely posts on its website prior to the receipt of a request, unless the requester has specifically requested that the district provide copies of such records through other means.

Deposits

Before beginning to make the copies, the Public Records Officer or designee may require a deposit of up to ten (10) percent of the estimated costs of copying all the records selected by the requester, including the cost of a customized service charge according to the provision below.

Customized Service Charge

A customized service charge may be imposed if the district estimates that the request would require the use of information technology expertise to prepare data compilations, or to provide customized electronic access services when such compilations and customized access services are not used by the district for other district purposes. The customized service charge may reimburse the district up to the actual cost of providing the services in this paragraph.

The district will not assess a customized service charge unless it has notified the requester of the customized service charge to be applied to the request, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimate cost of the charge. The notice will also provide the requester the opportunity to amend his or her request in order to avoid or reduce the cost of a customized service charge.

Internal Review of Denials of Public Records

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. The petition shall include a copy of or reasonably identify the written statement by the Public Records Officer or designee denying the request.

Consideration of Petition for Review

The Public Records Officer shall immediately consider the petition and shall either affirm or reverse the denial within two business days following the receipt of the petition, or within such other time as the district and the requester mutually agree to.

Reporting Costs of Producing Public Records

The district may provide the information specified in RCW Chapter 40.14 to the Joint Legislative Audit and Review Committee as required by law.

Established: September 13, 2004

Revisions: 06.28.2011; 06.11.2018; 11.07.2018