

Policy Area: Communications
Title of Policy: Public Records
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Approved by: D. Wiggs, Interim Superintendent/Public Records Officer

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PURPOSE:

RCW 42.17 requires that government units adopt rules and procedures relating to maintenance and availability of public records. The Lopez Island Hospital District (District) maintains various types of records relating to its operation and, therefore, comes within the requirements of this statute. There are certain records which are not able to be disclosed due to their nature of being Private Medical Records, Protected Health Information, and certain exemptions as provided in RCW's that need not be public for the protection of the district, especially those pertaining to quality improvement.

POLICY

Based on the above facts, the District adopts the following procedures relating to public records.

PUBLIC RECORDS ACT TRAINING

- 1) All elected or appointed District Commissioners and the Public Records Officer (Superintendent) must receive training concerning public records (RCW 42.56) and records retention (RCW 40.14).
- 2) This training must be completed no later than 90 days after elected officials and public records officer take their oath of office or assume their duties. They must also receive refresher training at intervals of no more than four years.

ACCESS TO PUBLIC RECORDS

- 1) Public Record: Public records of the District include information related to the conduct or performance of any governmental function prepared, owned, used or retained by the District except records and information exempt from public inspection and copying under RCW 42.17.310. Such records may be printed or electronic.
- 2) Public Records Availability: All public records of the District as defined above are available for public inspection and copying pursuant to these rules, except as otherwise provided by Chapter 42.17 RCW. It should be noted that all agendas, minutes and bylaws are available on the District website: (www.lopezislandhd.com).
- 3) Location of Records: The District public building 262 Weeks Road, Suite B, Lopez Island, WA 98261, in the custody of the Superintendent of the District who shall be responsible for the implementation of these rules.
- 4) Hours for Inspection and Copying: Public Records shall be available for inspection and copying during the normal office hours of the District or by appointment.

REQUESTS FOR PUBLIC RECORDS

- 1) Requests shall be made in writing to the District records officer (Superintendent) and shall include the following information:
 - a. Name and address of the person requesting the record.

- b. The time of day and calendar date on which the request is made.
 - c. The nature of the request.
 - d. If the matter requested is referenced in a current index maintained by the District, a reference to the requested record as it is described in such index.
 - e. If the requested matter is not identifiable by reference to an index, an appropriate description of the record requested.
- 2) In all cases in which a member of the public is making a request, it shall be the obligation of the employee to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

FEES and CHARGES

- 1) No fee shall be charged for the inspection of public records.
- 2) The District shall charge the following fees for providing print copies of public records:
 - a. \$.15 cents per printed page copy. In the event the District is requested to mail requested copies, an additional charge in the amount of the actual or estimated postage shall be made.
- 3) The District shall charge of \$30 per hour of computer time for use of a District computer by the public or by employees assigned with a records task. Billing shall be in increments of 1 hour.
- 4) Additional fees:
 - a. \$.10/page for records scanned into electronic format
 - b. \$.05 for every four electronic files or attachments uploaded to an email, cloud storage service or other electronic delivery system.
 - c. \$.10/gigabyte for transmitting records electronically
 - d. \$5.00/thumb drive to hold records.

EXEMPTION FROM PUBLIC INSPECTION

- 1) The District reserves the right to determine that a record requested is exempt from public inspection under RCW 42.17.310.
- 2) In accordance with RCW 42.17.260, the District reserves the right to delete identifying details when it makes available any public record in any case where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by Chapter 42.17 RCW. The employee who deletes such information shall fully justify such deletion in writing to the Board of Commissioners if requested by the Board.
- 3) All denials of requests for public records shall be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record.
- 4) The following RCEs may apply for denial, redaction or revision of the requested documents.
 - a. RCE 19.108.010(4)(b) PATENET, COPYRIGHT, TRADE SECRET, OR PROPRIETARY INFORMATION Under RCW 42.56.070, RCW 19.108.010(4)(b) (The Uniform Trade Secrets Act), federal law, and Progressive Animal Welfare Society. Unit of Wash., 125 WN.2d.243, 255 (1994), patent, copyright, trade secret and other proprietary information is exempt from copying and inspection. In accordance with the foregoing

laws, the Public Records Office has redacted patent, copyright or proprietary information.

- b. RCW 42.56.360(1)c QUALITY IMPROVEMENT. The following health care information is exempt from disclosure under this chapter: © information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.
- c. RCW 42.56.070(1) OTHER STATUTE Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection (6) of this section, this chapter, or other statute which exempt or prohibit disclosure of specific information or records.

REVIEW OF DENIALS

- 1) Any person who objects to the denial of a request to inspect or copy a public record may petition for a prompt review of such decision by submitting a written request for review.
- 2) Upon receipt of a written request for review of a decision denying inspection or copying of a public record, the Superintendent to whom the request has been submitted shall refer it to the District Board, who shall immediately consider the matter and either affirm or reverse the denial. The final decision shall be rendered to the individual who requested the record within five-business days after the denial of the request or as permitted by law if the time needed is greater.
- 3) Administrative remedies shall not be considered exhausted until the District has returned the request with the decision or until a period of five business days has elapsed since the denial of the request.

RESPONSIBILITY OF THE RECORDS OFFICER

The public records officer of the District shall be the District Superintendent. The public records officer must maintain a current index of agency records (RCW 42.56.070). The Superintendent may delegate responsibility for making selected records available for inspection and copying.

These selected records shall be:

- 1) Roster of personnel (name and title only)
- 2) Approved Budgets
- 3) Financial Reports, except those as part of the QA/QI process.
- 4) Voucher approval records
- 5) Minutes of the Board of Commissioners meetings and attachments followed by law
- 6) Resolutions Adopted by the Board
- 7) Electronic communications.

PROCEDURE CHECKLIST

In the event the District is requested by any person to inspect or copy a District record, the following procedure should be followed:

- 1) A response to the request must be made back to the person requesting the records within five business days.
- 2) The request must be in writing on a form prescribed by the District.

- 3) The request must be submitted at the District or other principal place of business of the District during normal working hours or by arrangement, including by email.
- 4) The District records officer should review the request form and the record that is actually requested.
- 5) The records officer should determine if the record may be inspected or copied in its entirety and if so, the inspection or copying should be permitted. In the event only a portion of the record may be disclosed, a copy of the record showing only the disposable portion should be prepared, disclosed and copied if copying is requested.
- 6) If the records officer determines that all or any part of the requested record is exempt from inspection and copying the statutory exemption which covers the particular record should be identified. See RCW 42.17.310.
- 7) The requesting party must be advised in writing of what record or portion of a record will not be made public and must be provided in writing with the reason for the refusal to release the information. The written denial of the request must refer to the specific statutory exemption that the District is relying on. See RCW 42.17.310.
- 8) If redaction or legal notification of parties involved in the records is needed, the District may take the additional time allotted by law to produce those records.

If the requesting party still demands to inspect or copy the record or portion of the record, which has been deemed not to be disclosable, the records officer should immediately take the following steps:

- 1) Refer the request and the denial to the District review authority, which is the Board of Commissioners.
- 2) Consider asking for a legal opinion from the MRSC or District attorney.
- 3) The District's final decision denying the request in whole or in part is considered to be complete at the end of the fifth business day following the denial. The requesting party should be notified of the District's decision at such time.

PUBLIC RECORDS TRACKING

The District must track and log:

- 1) Identity of requestor
- 2) Date and text of request
- 3) Description of records produced in response to the request
- 4) Description of records redacted or withheld and the reasons for redaction/withholding
- 5) Date of final disposition of the request

PUBLIC RECORDS RETENTION

The District is required to retain records for different lengths of time depending on the content, function and purpose of the record (RCW 40.14). The public records officer should be familiar and comply with appropriate retention requirements.