1. PURPOSE

Northeast Tri County Health District (NETCHD or District) is required by the Washington State Public Records Act (PRA), Chapter 42.56 RCW, to adopt and enforce reasonable rules and processes to provide full access to public records. This policy complies with the requirements of the PRA by proving straightforward, predictable practices for responding to and fulfilling request for disclosure of public records.

This policy does not apply to requests for records that contain health care information. Requests for records that contain health care information must follow NETCHD Health Insurance Portability & Accountability Act (HIPAA) policies and practices.

This policy includes both statutory requirements and best practices. Except where these provisions are mandated by statute, any duties identified in this policy are discretionary and advisory only and shall not impose any affirmative duty on NETCHD. In applying this policy, NETCHD reserves the right to interpret, revise, or change the policy at any time.

All NETCHD employees should be familiar with the general provisions of this policy. Specific questions about the Act or clarification requests can be directed to the Public Records Officer (PRO), who is the District’s Administrator.

This policy shall be available at any NETCHD office and posted on the NETCHD website.
2. DEFINITIONS

2.1 Incorporation of Definitions

This policy incorporates the definitions in RCW 42.56.010 and any relevant definitions in RCW 42.17A.005.

2.2 Additional Definitions

“Act” refers to the Public Records Act, at Chapter 42.56 RCW.

“District” refers to Northeast Tri County Health District.

“Exemption” refers to any statute that allows or requires the District to withhold information or records in response to a PRA request.

“Health Care Information” has the same meaning provided for in RCW 70.02.010(16) and generally includes records that identify patients and contains information regarding their health.

“NETCHD” refers to Northeast Tri County Health District.

“Policy” refers to this policy for the Public Records Act.

“Public Record” means any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the District regardless of physical form or characteristics. Records created or received by employees using privately owned devices only qualify as a public record if the employee was acting within the scope of employment when the record was created or received, or when the record is subsequently used for a District purpose.

“Public Records Officer” or PRO is the person identified in Section 4.1.1 of this Policy.

“Public Record Liaison” is the person in a division assigned to work with the PRO to gather responsive records and identify possible exemptions.

“Request for Health Care Records” means any request for records that contain health care information. Such requests are governed by Chapter 70.02 RCW and the District’s policy for accessing health care records.

“Record Holder” is the individual employee who may be the custodian of the records sought in a PRA request.

“Requestor” means the person or entity that has made a records request to the District.

3. Organization of the District

The District has three (3) office locations in Colville, Newport, and Republic. Specific addresses and office hours are as follows:

Ferry County:
147 N. Clark, Suite 1
Republic WA 99166
Monday - Thursday from 8:00 AM to 4:00 PM (closed from 12:00 PM to 1:00 PM)
Pend Oreille County:
605 Highway 2C
Newport WA 99156
Monday - Thursday from 8:00 AM to 4:30 PM (closed from 12:00 PM to 12:30 PM)

Stevens County (Main Office)
240 East Dominion Ave.
Colville WA 99114
Administration and Community Health: Monday - Thursday from 8:00 AM to 4:30 PM (closed from 12:00 PM to 12:30 PM)
Environmental Health: Monday - Friday from 8:00 AM to 4:30 PM (closed from 12:00 PM to 1:00 PM)

The District consists of three divisions as follows:
Administration
Community Health
Environmental Health

The District is governed by the NETCHD Board of Health, consisting of elected officials from counties and cities from within the jurisdiction of NETCHD.

4. GUIDELINES

4.1 Public Records Request

4.1.1 Public Records Officer
The District’s Public Records Office is identified as the Administrator. Aside from routine requests pertaining to onsite wastewater permit search requests routed to the Environmental Health Division, all requests must be directed to the PRO. The PRO may be contacted in person at the Colville main office, via first class mail addressed to the PRO at the main office, by providing specific requests at any District office, or via email.

The PRO shall:
- Be responsible for implementing the District’s process regarding disclosure of public records;
- Obtain and maintain training specific to public records requirements of Chapter 42.56.152 RCW;
- Consulting with the District’s legal counsel relating to clarifications of the PRA;
- Serve as the principal contact point with any requestor who has made a records request to the District, unless the Public Records Officer has delegated these responsibilities for a particular records request to a staff member;
- Coordinate District staff in this regard, generally ensuring the compliance of the staff with public records disclosure requirements;
- Make the final decision in cooperation with the District’s legal counsel regarding disclosure and application of exemptions; and
- Maintain the District’s indices.
4.1.2 How to Make a Public Records Act (PRA) Request
Public records may be inspected or copies of public records may be obtained by the public upon compliance with the following procedures:

- Requests must be directed to the PRO. The District encourages that all requests be made in writing using the District’s Public Records Request form, which is available at all District offices or on the District’s website. Requests may be mailed, emailed, or delivered in person to any of the District’s offices. In-person requests must be made during normal business hours. Request should include the following information:
  - An indication that the request is being made for access to a public record pursuant to the Public Records Act;
  - The requestor’s name, address, and convenient means of contact, such as email address, phone number, etc.;
  - The date of the request;
  - A description of the public records requested that includes sufficient details to allow the District to identify responsive records;
  - Whether the requestor wants to inspect records or wants copies;
  - Signature of the requestor.

- Routine onsite wastewater permit search requests can be routed to the Environmental Health Division for response without prior approval of the PRO. However, if the expected response time will exceed two (2) weeks, the PRO is to be notified and follow up with the requestor will be initiated.

- The Washington Courts have recognized that oral requests for public records can be problematic and therefore requestors are strongly encouraged to make written requests using the District’s request form. If a request is submitted orally, the person receiving the request should immediately transfer it onto the form and, when possible, ask the requestor to sign the form acknowledging the accuracy of the requested information.

- It is the requestor’s obligation to provide the District with fair notice that a Public Records Act request has been made. When a requestor does not use the District’s official request form, or when a requestor submits a request to an employee other than the District’s PRO, or includes a request as part of other documents provided to the District for reasons other than making a PRA request, the requestor may not be providing fair notice to the District. To ensure fair notice is provided, requestors are encouraged to use the official forms, make requests through the PRO and/or take other steps to clearly identify their requests. For example, when a request is submitted with other documents not related to disclosure of public records, it shall be the responsibility of the requestor to provide reasonable notice that a public record request is included. This notice may be in the form of an entry on a cover or transmittal sheet.

4.2 Procedure for Response to Request

4.2.1 Initial Five-Day Response
- All requests to copy or view public records must be date stamped when received.
- The District shall respond promptly to PRA requests. Within five (5) business days of receiving a records request, the District will acknowledge receipt of the request and take one or more of the following actions:
• If the request is for records that contain health care information, provide notice to the requestor that the request will be processed under the District’s policy and procedures that govern access to health care records;

• When possible, provide notice that responsive records are available. If the record requested is available via the District website, the response may include a specific link to the document. Note that this option of providing a link should not be used if the requestor has requested a hard-copy of the document or indicated that the requestor cannot access records through the internet;

• Seek clarification or refinement of the request if needed to identify the records requested. In seeking such additional information, the District will provide, to the greatest extent possible, a reasonable estimate of time that the District will require to respond to the request if it is not clarified. If the entire response is unclear and the requestor fails to respond, the District need not respond to the request. However, the District must respond to those portions of a request that are clear;

• Indicate that the District does not have any responsive records or that any responsive records are exempt from disclosure;

• Provide a reasonable estimate of when the request can be fulfilled. For large requests that will be filled in installments, the response will also indicate when the first installment will be made available. When providing a reasonable estimate of time required to fulfill a disclosure request, the PRO may take in to account the time required to refine or clarify a request, locate or retrieve requested records, redact or withhold exempt records and create associated documentation, consult with appropriate staff regarding potential exemptions, and notify third parties or other agencies of requests for information of a sensitive nature consistent with the provisions of Chapter 42.56.540 RCW.

• Onsite wastewater permit search requests routed to the Environmental Health Division shall be responded to within two (2) weeks. The District’s request form used for this purpose shall specifically state a response will be provided within two (2) weeks. If this provision cannot be adhered to, the PRO needs to be notified and the requestor contacted. Requests for onsite wastewater permit information not utilizing the District’s request form shall be responded to as prescribed in Section 4.2.

4.2.2 Large Requests

• When receiving a request that appears to be broad in nature, the PRO may request clarification from the requestor to ensure that the appropriate records are identified and to determine if the request can be narrowed. Clarification shall focus on information needed to identify responsive records. Any information provided about the purpose of the request shall not be used as a basis for denying the request.

• When appropriate, as part of the clarification process, the Public Records Officer may work with the requestor to find ways to narrow the request.

• When a records request is for a large volume of records, the District may elect to provide records on an installment basis. If a requestor does not contact the PRO within fifteen (15) days to arrange for the review of the first installment, the District may deem the request abandoned and stop fulfilling the remainder of the request.
4.2.3 Requests for List of Names
- The PRA prohibits the District from producing lists of names to a requestor who intends to use the list for commercial purposes. When a request is received for lists of names, the requestor will be asked to sign a declaration providing that the list will not be used for commercial purposes.
- This exception is very narrow and only applies to actual lists of persons names. It does not apply to requests for a series of documents from which a list could be made and does not apply to lists of businesses, as opposed to persons.

4.2.4 Notification to Third Parties
- If a public record contains personal information that identifies an individual or organization other than the subject of the required public records, the District may notify that individual or organization to allow the third party to seek relief pursuant to RCW 42.56.540. The District may take this into account when providing an estimate for when the records will be available. The District should also review any contracts with third parties that may contain special notice provisions. Nothing in this policy is intended to create any right to such notice.

4.2.5 No “standing” PRA Requests
- A PRA request only applies to records that exist at the time of the request. The PRA does not apply to requests for information or require the District to create a new record. Requestors cannot make “standing” PRA requests.

4.2.6 If No Response in Five (5) Days
- If the District does not respond in writing within five (5) business days of receipt of the request for disclosure, the person seeking disclosure shall be entitled to:
  o Consider the request denied; and
  o Petition the PRO

4.3 District Actions After a Request is Received

4.3.1 Order of Response
- Fulfillment of requests shall be processed in the order that provides the timeliest response. Requests may be fulfilled in the order of receipt as long as easily fulfilled requests are not postponed behind larger or more complicated requests strictly because they were received later.

4.3.2 Locating Responsive Records
- After receiving a request, the PRO shall determine what department might have responsive records and whether it will be necessary to conduct electronic searches for records. The PRO will then coordinate with the Management Team and other District staff as needed. District staff will be prompt in researching where there may be responsive records and providing them to the PRO in accordance with the timeframe requested by the PRO to locate responsive records.

4.3.3 Identifying Potentially Exempt Records
- The PRO is responsible for identifying records that are potentially exempt or contain potentially exempt information. As necessary, PRO will work with the District’s legal counsel to determine if any exemptions apply.
4.4 Exemptions

4.4.1 Exemptions

- The PRA and other statutes exempt from or prohibit disclosure of certain public records. It is the policy of the District to provide prompt and helpful access to all public records that State statutes do not exempt or prohibit from disclosure. Requested records may only be withheld or redacted consistent with statutory requirements, which shall be documented for the requestor in accordance with the requirements of RCW 42.56.210.

- Some public records that are otherwise subject to disclosure may contain specific content that is exempt from disclosure. The presence of exempt information does not necessarily exempt an entire record from disclosure. Exempt portions of an otherwise disclosable record shall be redacted prior to inspection or copying and such redactions shall be documented. The requestor shall be notified of the redaction in accordance with the requirements of RCW 42.56.210.

- The following are summaries of common exemptions relied upon by the District. The District reserves the right to assert any exemptions permitted by law when the District determines non-disclosure serves the public interest and is not limited to the exemptions listed below:
  - Valuable designs, drawings, and research data obtained by any agency within five (5) years of the request for disclosure when disclosure would produce private gain and public loss;
  - Information revealing the identity of persons who are witnesses to a crime or who file complaints to investigate violations of public health rules if such disclosure would endanger any person’s life, physical safety, or property. If at the time a complaint is filed the complainant, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern;
  - Personal information in files maintained for District Board of Health members and District employees to the extent that disclosure would violate their right to privacy, including but not limited to addresses, phone numbers, Social Security numbers, voluntary deductions, marriage status, number of dependents, and any garnishment deductions;
  - Preliminary drafts, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the Board of Health in connection with any Board of Health action;
  - All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;
  - Medical records;
  - Records created in anticipation of litigation;
  - Records reflecting communications between attorneys and District employees where legal advice is sought or received; or
  - Any record which is exempt from disclosure under state and federal law.

4.4.2 Redaction

- If it is determined that any portion of a public record is exempt, then, if those exempt portions of a public record can be redacted, the remainder thereof shall be open to public inspection and copying and shall be provided to a requestor.
4.4.3 Notice to Requestor When Records are Withheld or Redacted
- When records are withheld or redacted, the requestor shall be informed in writing of the statutory citation for the exemption and a brief explanation of how the exemption applies.

4.5 Copying Public Records
4.5.1 Fees
- The requestor will be charged fees, established by the most current NETCHD fee schedule, when requesting copies of records.
- Because calculating actual costs of providing physical and electronically produced copies on a routine basis would be unduly burdensome, the District will normally utilize the charges authorized in RCW 42.56.120.
- The requestor may ask the PRO to provide a summary of the applicable charges before copies are made and the requestor will be allowed the opportunity to revise the request to reduce the number of copies to be made and reduce the applicable charges.
- Fees may be waived when the expense of billing exceeds the cost of copying and postage.

4.5.2 Copies of Electronic Records
- If the requestor asks for records in an electronic format and the record does not require redaction, the District will produce the record in a “native” format like Word or a common format like PDF if it is reasonable and technologically feasible for the District to do so. Electronic records that require redaction usually cannot be produced in a native format and will be converted to paper or PDF.
- If the District translates a record into an alternative electronic format at the request of a requestor, the copy created does not constitute a new public record. Scanning paper records to make electronic copies of such records is a method of copying paper records and does not amount to the creation of a new public record.

4.6 Inspection of Records
4.6.1 Notice
- Once the PRO has collected all responsive records (or the first installment if the records are being produced on an installment basis), has reviewed the responsive records to remove exempt records, and has prepared an exemption/redaction log, the PRO shall notify the requestor that the records are available.

4.6.2 Response by Requestor
- If the requestor does not contact the PRO to arrange for payment of copies or for review of the records within fifteen (15) days after notification of availability of the requested records, the District may consider the records request abandoned, unless the requestor seeks an additional amount of time to review the records.

4.6.3 Protection of Records
- In order that public records maintained on the premises of the District may be protected from damage or disorganization as required by the PRA, the following procedures and practices are hereby instituted:
  o No public records shall be removed from the District’s offices without the PRO’s permission;
  o Inspection of any public record shall be conducted in the presence of the PRO or designated staff;
o No public record may be marked, defaced, torn, damaged, destroyed, unreasonably disorganized, or removed from its proper location by a member of the public;
o Public records maintained in a file jacket or binders, or in chronological order, may not be dismantled except for the purpose of copying, and then only by District staff;
o Public records of the District may be copied only on the copying machines of the District unless other arrangements are made by the PRO.

4.6.4 Loss of Right to Inspect
- Inspection shall be denied and the records withdrawn by the PRO if the requestor, when reviewing records, acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of the District.

4.6.5 Closing the File
- Once all copies of requested records have been provided to the requestor, the requestor has reviewed the requested records, or fifteen (15) days have passed since the requestor was notified that the records were available and the requestor has failed to contact the PRO to arrange for the review of those records or for payment of copies, the PRO shall treat the request as closed.

4.7 Administrative Review of Denial
- The requestor may ask for review of a decision to withhold or redact exempt records by submitting an appeal to in accordance with the “Health Officer Hearing and Appeal Board Hearing Procedure Policy.”
- Any such request to review a decision to withhold or redact exempt records shall be forwarded to the District’s legal counsel.

4.8 Index of Public Records
- As it would be unduly burdensome, the District does not maintain a comprehensive index of all public records. The District will make available for public disclosure all indices which may at a future time be developed for District use.

4.9 Log of Public Records
- The District will maintain a log of all public records request to include for each request the following information:
o Identity of the requestor if provided by the requestor;
o Date the request was received;
o 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 thereof; and
o Date of final disposition of the request.
- The log will be maintained on a District shared file and will be updated each time a public records request is processed. However, for record requests pertaining to on-site wastewater permits, the Environmental Health Division will maintain a separate tracking system that meets the above noted criteria. This will be accomplished by retention, for the record retention schedule, of the search request forms and the District’s response.
4.10 Disclaimer of Liability
- Neither the District nor any officer, employee, official or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon a release of public records if the person releasing the records acted in good faith in attempting to comply with this policy.
- This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Despite the use of any mandatory terms such as “shall”, nothing in this policy is intended to impose mandatory duties on the District beyond those imposed by state and federal law.