



whatcom county
library system

PUBLIC RECORDS POLICY

POLICY NUMBER: 21.01

SCOPE

Whatcom County Library System (WCLS) records subject to RCW 42.56.

PURPOSE

Pursuant to RCW 42.56, it is the policy of WCLS to make available for inspection and copying, upon request, its public records that are not exempt under RCW 42.56 or other applicable law.

DEFINITIONS

A *public record* includes any writing which contains information relating to the conduct of government or the performance of any governmental or proprietary function.

A *writing* includes any form of communication or representation. The forms of communication or representation include documents (paper and electronic), minutes, email, pictures, audio recordings, film, electronic databases, budgets, and charts. Refer to RCW 42.56.010(4) for a complete definition.

The *requestor* is the person requesting a public record for inspection or copying.

Redact means to remove, delete, or black out information that is exempt from public disclosure.

PUBLIC RECORDS OFFICER DESIGNATION

WCLS designates the Records Management Specialist as its Public Records Officer. The Public Records Officer shall ensure compliance with the Public Records Act, track all requests for public records, respond to all requests for public records or designate another individual to respond, and coordinate the review and retention of records.

PUBLIC RECORDS REQUESTS

All requests either for inspection or for copying of public records should be made in writing using WCLS' Public Records Request Form. The Public Records Officer or their designee shall respond to the request within five (5) business days of receipt (excluding the day the request is received, and excluding Saturdays, Sundays, and holidays). The response shall be one of the following based on the information provided by the requestor:

1. Make records available for inspection and/or copying.
2. Deny the request based on legal reasons.
3. Acknowledge receipt and provide an estimate of how much time it will take to provide the record(s).
4. Ask for clarification of the request.

The Public Records Officer or designee may need to revise an estimate of time to provide the records, and will notify the requestor if so.

If WCLS seeks clarification of an unclear request, the requestor has 30 calendar days to respond to WCLS' request for clarification. If the requestor does not respond within 30 calendar days, WCLS will consider the public records request abandoned. The Public Records Officer will send a closing letter to the requestor stating that the request has been closed.

WCLS' public records are available at Administrative Services. WCLS will make available its public records at Administrative Services Monday through Friday, 8:00 a.m. to 5:00 p.m. excluding holidays. WCLS public records shall not be removed, disassembled, or altered by the requestor.

If WCLS denies the request, WCLS will issue a written statement of the reason for the denial. Any person who objects to the initial denial may petition in writing to the Public Records Officer, who will forward it to the Director of Finance and Administration for a review of that decision. The petition shall include a copy or reasonably identify the written statement by the Public Records Officer denying the request. The Director of Finance and Administration will consider the petition within two business days and will either affirm or reverse the denial.

WCLS is not obligated to create records that do not exist, obtain records from another agency that WCLS does not have, mail records at WCLS expense, or respond to unclear requests that are not clarified upon request.

STATUTORY EXEMPTIONS

RCW 42.56.070(8) prohibits the disclosure of lists of individuals for commercial purposes. Therefore, if a public records request seeks a list of individuals, WCLS shall require that the requestor provide information necessary to determine if disclosure of the list of individuals is permitted or prohibited by RCW 42.56.070(8). (The Commercial Purpose Declaration can be found on the Public Records Request Form.)

According to RCW 42.56.310, any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user is exempt from public disclosure.

According to RCW 42.56.230, personal information that would violate one's right to privacy is exempt from public inspection and copying. Any personal information, such as residential addresses and phone numbers, medical records, and social security numbers, in files maintained for employees, appointees, or public officials of WCLS are exempt. Routine performance evaluations which do not discuss specific instances of gross misconduct are also exempt. Other items that are exempt include industrial insurance (workers' compensation) claim files and records and any tax information.

According to RCW 42.56.250, applications for employment, including résumés and other related materials submitted with respect to an applicant, are exempt as well as test questions and scoring.

Other exemptions are defined in RCW 42.56 and other applicable laws.

If any record is withheld, the Public Records Officer shall cite the legal exemption that authorizes such withholding and provide a brief explanation for the withholding.

If certain public records contain some material that is subject to public disclosure and some material that is exempt, WCLS shall redact the material that is exempt before providing the records. WCLS shall provide the reason for the redaction and cite the applicable exemption(s).

COPYING AND MAILING COSTS

It would be unduly burdensome for WCLS to calculate the actual costs for providing public records. WCLS employs over 160 employees who earn different salaries and different rates of pay. The public records officer would be required to maintain a record of all employees who contributed to each part of a public record request and potentially charge different amounts for multiple scanned pages. The response time to a public records request may also be delayed in order to calculate scanning costs and create invoices with different rates of scanning charges. The amount of work involved in calculating the cost in providing copies for all separate requests would require a significant portion of one employee's time. The performance of WCLS's overall mission does not allow for the addition to, or the revision or reassignment of, duties for existing personnel so that these calculations can be done without hiring additional staff. Anticipated revenue, along with adopted priorities for expenditures, does not allow for the hiring of an additional employee for this purpose.

Based on the findings above, WCLS will charge the requestor for photocopies or electronically produced copies of public records in accordance with the charges set forth in RCW 42.56.120(2). Pursuant to that statute, WCLS will provide, upon request, a summary of the applicable charges before any copies are made to allow the requestor to revise the request to reduce the number of copies to be made and reduce the applicable charges. According to RCW 42.56.120, WCLS will charge the requestor \$0.15 per page to copy public records. Actual costs of postage, delivery, and the container will also be charged to the requestor. Electronic records may be provided at no cost provided the file size does not prohibit sending the file as an email attachment. Large file sizes may require alternative delivery methods; requestor will be charged the actual cost to provide these records.

WCLS may require a deposit of up to 10% for the estimated costs of copying for large requests and may require that the requestor make full payment of the copying and mailing costs before providing the records for a request (or for each installment of a request, if produced on an installment basis). If the requestor does not complete the payment requested by WCLS within 20 business days, WCLS will treat the request as abandoned and close the request.

RECORDS RETENTION SCHEDULES

WCLS adopts the State of Washington Local Records Committee's Local Government General Records Retention Schedule and Records Management guidelines as its public records retention schedule and authorization for destruction. These State guidelines have been reviewed by the State Attorney General and the State Auditor offices. A copy of the Local Government General Records Retention Schedule and Records Management guidelines is on file in the Public Records Officer's office at Administrative Services.

RELATED POLICIES: [Confidentiality of Patron Records Policy 5.01](#).

STATUTORY REFERENCE: [RCW 42.56 Public Records Act](#)

Legal review by attorney Jessica Kerr June 26, 2024.

APPROVALS AND UPDATES

Date	Action	Reviewer	Approved By	Approval Signature
November 20, 2007	Approved.	-	Whatcom County Library System Board of Trustees	/s/ Amory Peck
March 19, 2024	Updated Public Records Officer	Christine Perkins	Whatcom County Library System Board of Trustees	/s/ Matthew Santos
July 16, 2024	Updated to reflect best practices.	Christine Perkins and Jessica Kerr, attorney	Whatcom County Library System Board of Trustees	/s/ Rodney Lofdahl