

**CHELAN DOUGLAS REGIONAL PORT AUTHORITY  
POLICY AND PROCEDURES FOR ACCESSING PUBLIC RECORDS**

**(1) INTRODUCTION**

**(a) Policy**

It is the policy of the Chelan Douglas Regional Port Authority to abide by the spirit and intent of the Washington State Public Records Act and make available to the public any and all requested public records not exempted under Washington's Public Records Act, Chapter 42.56 Revised Code of Washington.

**(b) General Inquiries for Information**

Generally speaking, requests from the public about the Chelan Douglas Regional Port Authority (CDRPA) operations and policies can be answered by CDRPA staff and/or the Board of Directors. Media inquiries for information can be handled by the Chief Executive Officer or Director of Finance & Administration.

**(2) PUBLIC RECORDS AND EXEMPTIONS**

**(a) Public Record**

Washington's Public Records Act (Chapter 42.56 RCW), requires that members of the public be provided access to public records held by government agencies such as the CDRPA, for inspection and, if desired, copying. It does not require the CDRPA to answer specific inquiries or to create documents in order to respond to a request. The term "public record" is defined in the Revised Code of Washington State as follows:

"Public record" includes 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 any state or local agency regardless of physical form or characteristics (RCW 42.56.010).

"Public record" does not include records not required to be retained by the CDRPA that are held by volunteers, such as members of CDRPA advisory committees, who:

- Do not serve in an administrative capacity;
- Have not been appointed by the agency to an agency board, commission or internship; and

- Do not have a supervisory role or delegated agency authority.

The term "writing is defined as:

"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, and other documents, including existing data compilations from which information may be obtained or translated (RCW 42.56.010).

### **(b) Exempt Public Records**

The Public Records Act provides a number of exemptions to disclosure of identifiable public records. They include, but are not limited to, the following:

- (i) Applications for public employment as well as the residential addresses, residential phone numbers, personal wireless telephone numbers, personal electronic mail addresses, and social security numbers of employees which are held in personnel records, employment rosters, or mailing lists of employees.
- (ii) Personal information in files maintained for employees, appointees, or elected officials of the CDRPA relative to the acquisition or sale of property, until the projected or prospective sale is abandoned, or until such time as all property has been acquired or sold. But in no event will disclosure be denied for more than three (3) years after the appraisal.
- (iii) Valuable formulae, designs, drawings, and research data obtained by the CDRPA within five (5) years of the request for disclosure when such disclosure would produce private gain and public loss.
- (iv) Preliminary and pre-decisional drafts, notes, recommendations and intra-agency memorandums in which opinions are expressed or policies formulated or recommended, except if that specific record is publicly cited in connection with a CDRPA action.
- (v) Communications and legal advice between the CDRPA and its legal counsel.
- (vi) RCW 42.56.070(8) prohibits disclosure of lists of individuals for commercial purposes.

- (vii) Information regarding both public and private infrastructure and securing of computer and telecommunications networks, including passwords, access codes and programs, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.
- (viii) GPS data that would indicate the location of the residence of any public employee or volunteer using the GPS recording device.

Exemptions will typically be reviewed by CDRPA's public records request form. The standardized public records request form will be made available at the CDRPA's website: [www.CDRPA.org](http://www.CDRPA.org). The completed form specifies what documents are being requested and should be forwarded to the Public Records Officer whose contact information is provided below. The Public Records Officer will manage the process of fulfilling the request through the appropriate divisions to ensure that responsive deadlines are met.

The CDRPA's Administrative Office is located at One Campbell Parkway, Suite A, East Wenatchee, WA 98802-9290

#### **(b) Public Records Officer (PRO)**

The Public Records Officer will oversee compliance with the Public Records Act, but another CDRPA staff member may process the request. Therefore, these procedures will refer to the PRO "or designee." The PRO or designee and the CDRPA will provide the fullest assistance possible to requesters, ensure that public records are protected from damage and disorganization, and prevent fulfilling public records requests from causing excessive interference with essential functions of the CDRPA.

The Public Records Officer can be reached at:

Address: One Campbell Parkway, Suite A, East Wenatchee, WA 98802-9290

Email: [info@cdrpa.org](mailto:info@cdrpa.org)

Telephone number: 509-884-4700

Fax number: 509-663-5151

#### **(c) Record Availability**

Public records will be made available for inspection and copying during the customary office hours of the CDRPA (Monday through Friday, excluding legal holidays, 8:00 am through 5:00 pm), subject to the availability of staff and to ensure

the protection of public records from damage, loss or disorganization. Records for inspection will be made available at the CDRPA's Administrative Office.

#### **(4) CHELAN DOUGLAS REGIONAL PORT PROCEDURES FOR RESPONDING TO REQUESTS FOR PUBLIC RECORDS**

##### **(a) Response**

Requests for public records will be forwarded to the PRO in the CDRPA Administrative Office, who will review the request and ask the appropriate division staff for the records. Upon receipt of the public records request, either the requested materials or a written response will be provided to the requester within five (5) business days. If the CDRPA requires additional time to fulfill the public records request, the requester will be so notified and will be provided with a response date. The CDRPA is not required to answer specific inquiries or to create documents in order to respond to a request.

##### **(i) Additional Time is Needed**

The CDRPA's response may include a statement that additional information is needed to clarify the intent of the request, more time is required to locate and assemble the requested documents, to notify third party persons or agencies affected by the request, or to determine whether any of the documents are exempt and/or a denial may be made to all or part of the request.

##### **(ii) Procedure if Clarification is Needed**

If a request is not specific, or an identifiable record cannot be ascertained from the request, the PRO may seek clarification from the requester while also providing an estimated response time. If clarification is not received, the records request may be denied, with the reason clearly stated in writing.

##### **(iii) Procedure for Notifying Third Parties**

The CDRPA occasionally receives exempt records, such as proprietary or sensitive business information for third parties, including prospective or current clients or tenants. There are circumstances in which the CDRPA, within its discretion, will provide advance notice to third parties affected by requests for records which may contain sensitive information related to the third party. The information provider (third party) may seek court protection under RCW 42.56.540 by demonstrating that such information would:

- Clearly not be in the public interest; and,
- Substantially and irreparably damage any person; or

- Substantially and irreparably damage vital government functions.

The notice to the affected persons will include a copy of the request.

**(iv) Providing Records in Installments**

When the request is for a large number of records, the PRO or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide records in that way. If within thirty (30) days, the requestor fails to inspect the entire set of records or one or more of the installments, the PRO or designee may stop searching for the remaining records and close the request. The PRO will provide the requester with notice that the Port will be closing the request.

**(v) Request Denial**

If the CDRPA determines it is denying the request, in whole or in part, a written statement of the applicable exemptions and specific reasons for the denial shall be provided to the requester. Said decision will be reviewed by the CDRPA attorney prior to the issuance of the denial to the requester. Such review shall constitute final action for purposes of judicial review. The requester shall be notified of the decision to grant or deny the request. (See section 5, part a for appeal process.)

**(vi) Overbroad Requests**

A request for all or substantially all public records of the CDRPA is not a valid request for identifiable public records and will be denied. The CDRPA may deny a bot request that is one of multiple requests from the requester to the CDRPA within a 24 hour period upon establishing that responding to the requests would cause excessive interference with other essential functions of the CDRPA. A “bot request” is a request for public records that the CDRPA reasonably believes was automatically generated by a computer program or script.

**(vii) Later Discovered Documents**

If additional records are discovered that should have been provided as part of an earlier public records request, those documents will be forwarded to the requester as soon as practicable with a brief explanation as to why the newly discovered documents were not located as part of the request response.

**(5) APPEAL PROCESS IF REQUEST IS DENIED**

**(a) Appeal to Denial to Disclose**

The requester may appeal a decision to the CDRPA's Public Records Committee. The appeal must be filed within fourteen (14) business days of the date of notification to the Public Records Committee, consisting of the Chief Executive Officer, a Director, and a CDRPA Attorney, who will either affirm or reverse the denial within two (2) business days following the CDRPA's receipt of the appeal or within such other time as the CDRPA and the requester mutually agree.

## **(6) INSPECTION AND COPYING FEES**

### **(a) Inspection of Records**

No fee will be charged for inspection of CDRPA documents. The requester will be notified when the records are ready for inspection and the requester and the CDRPA will set a mutually agreeable time for inspection. So as to protect the CDRPA documents from damage, loss or disorganization, a CDRPA staff person will monitor the inspection of records. The Public Records Act allows the public to inspect and request copies of documents. Reports may be run on information databases if it would not be burdensome on the CDRPA. However, the CDRPA is not required to reformat or write code in order to create a program to retrieve and complete specific information.

### **(b) Copying of Records**

The costs to be charged to the requester for public records that are photocopied is hereby established at the rate of \$0.15 per page for standard black and white photocopies. The costs to be charged to the requester for public records that are copied to a thumb drive containing electronic data is hereby established at the rate of \$1.00 per thumbdrive.

The public will be charged the actual costs for the reproduction of records if the public has requested documents and staff workload issues necessitate sending documents out to a reliable source for copying, storing, electronically producing, or transmitting records in an electronic format. The public will be charged actual costs for nonstandard copies, such as blueprints or photographs, or for storing, electronically producing, or transmitting records in an electronic format that are not capable of being produced using the CDRPA's equipment. "Actual cost" is the cost charged to the CDRPA by an outside vendor for reproduction of records. A deposit of ten percent (10%) upfront of the estimated cost may be charged depending upon the volume or number of copies requested.

## **(7) ELECTRONIC AND MULTIMEDIA DATABASE INFORMATION**

### **(a) Available Documents on Website**

Many public records are available on the CDRPA's website. The PRO may direct the requester to the CDRPA's website to fulfill a records request. For those who do not have access to the Internet, a record viewing workstation can be provided at the CDRPA's Administrative Office located One Campbell Parkway, Suite A, East Wenatchee, WA 98802-9290.

**(b) Electronic Records**

The CDRPA will take reasonable steps to translate any original document into a useable copy for the requester, such as preparing an electronic copy of a record, so long as the record is reasonably translatable into the requested format.

**(c) Videos and Other Multimedia**

CDRPA business may be recorded. All requests of video or other multimedia information or records shall state a date in which the event occurred as these digital files are not indexed by subject and are not word-searchable.

**(8) RECORDS RETENTION POLICY**

**(a) State Archive Retention Schedule**

The CDRPA, to the extent practicable, strives to follow the current version of the Washington State Common Records Retention Schedule (CORE) published by the Washington State Secretary of State. However, records may be kept longer than the time detailed under the retention schedule.

Adopted by the Chelan Douglas Regional Port Authority on August 20, 2019