Washington State
Military Department

Department Policy No. DIR-004-08

Title:	Public Records Disclosure
Authorizing Source:	Chapter 42.56 Revised Code of Washington (RCW) Chapter 44-14 Washington Administrative Code (WAC) Chapter 323-10 WAC
Information Contact:	Public Records Officer Building 1 (253) 512-8110
Effective Date:	September 1, 2008
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Revised:	February 18, 2014
Approved By:	Bret D. Daugherty, Major General The Adjutant General Washington Military Department Director

Purpose

This policy describes roles, responsibilities, and expectations for Washington Military Department (WMD) public records disclosure pursuant to the Public Records Act, chapter 42.56 RCW.

Scope

This policy applies to WMD state employees and public records prepared, owned, used, or retained by WMD state employees. This policy also applies to members of the Washington National Guard while in state active duty status, and public records prepared, owned, used, or retained by members while in state active duty status.

Definitions

Public Record:	"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(2)
Public Records Act	Chapter 42.56 Revised Code of Washington (RCW)

Public Records Officer	The person appointed and publicly identified as public records officer whose responsibility is to serve as a point of contact for members of the public in requesting disclosure of public records and to oversee the agency's compliance with the public records disclosure requirements of the Public Records Act. RCW 42.56.580(1). The Public Records Officer resides in the Intergovernmental Affairs and Policy (IGA&P) office, and may be contacted at (253) 512-8110 or public.records@mil.wa.gov.
Public Records Request	• A public record request is an instance where someone asks for a copy of or access to a public record. • A requestor may or may not cite the Public Records Act (chapter 42.56 RCW) when making a request. • There is no statutorily required format for a valid public records request. A request can be sent in by mail. RCW 42.17.290/42.56.100. A request can also be made by e-mail, fax, or orally. WAC 44-14-03006.
Writing	"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(3)

Policy

I. The Washington Military Department (WMD) believes in open government and supports the liberal construction of provisions of the Public Records Act and the narrow construction of its exemptions as described in RCW 42.56.030:

The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created. This chapter shall be liberally construed and its exemptions narrowly construed to promote this public policy and to assure that the public interest will be fully protected. In the event of conflict between the provisions of this chapter and any other act, the provisions of this chapter shall govern.

II. The WMD shall ensure compliance with the Public Records Act (chapter 42.56 RCW) by directing all requests to the agency Public Records Officer or designee for processing. Further, to ensure compliance:

1. Employees shall:

   (a) Be sufficiently knowledgeable about the Public Records Act to recognize public records requests.

   (b) Immediately forward public records requests to the Public Records Officer or designee and make the Public Records Officer or designee aware of the request.

   (c) Assist the Public Records Officer or designee with processing requests by promptly responding to the Public Records Officer's or designee's questions and providing potentially responsive records when asked.

2. The Public Records Officer or designee shall have access to all public records of the Military Department so that he or she may perform official duties described in RCW 42.56.580.

3. Offices and divisions, in collaboration with the Public Records Officer or designee, may establish public records disclosure procedures.

Responsibilities

I. The Adjutant General appoints the WMD Public Records Officer and so designates this appointment in writing and publicly as required by the Public Records Act. RCW 42.56.580(1), RCW 42.56.580(2)

II. The Public Records Officer is responsible for overseeing compliance with the Public Records Act pursuant to RCW 42.56.580 and shall:

1. Receive public records requests;

2. Correspond with requestors, including:

   (a) Promptly responding to requests in accordance with RCW 42.56.520, including:

      i. Responding within five business days of receiving a public records request by doing one or more of the following:

         a. Making the records available for inspection or copying;

         b. If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, sending copies to the requestor;

         c. Providing a reasonable estimate of when records will be available; or

         d. If the request is unclear or does not sufficiently identify the requested records, seeking clarification from the requestor. Such clarification may be requested and provided by telephone.

The public records officer or designee may revise the estimate of when records will be available; or

e. Denying the request. RCW 42.56.520, WAC 44-14-040

ii. Making requested records promptly available to the requestor, if applicable, on a partial or installment basis. RCW 42.56.080

3. Locate and assemble the information requested. RCW 42.56.520

   (a) In order to perform this duty, the Public Records Officer or designee may access any WMD public record in its original and complete format.

4. Notify third persons or agencies affected by the request, if applicable. RCW 42.56.520

5. Determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. If denials are made to all or part of the request, the Public Records Officer or designee shall accompany the denial with a written statement of the specific reasons therefore. RCW 42.56.520

6. In coordination with the Intergovernmental Affairs and Policy (IGA&P) Director, appoint a designee to assist or assume the duties of the Public Records Officer when he or she is not available.

III. WMD Division Directors or designees shall:

1. Ensure that division employees comply with agency, division, and office policies and procedures for public records disclosure.

2. Require division employees to be trained and knowledgeable regarding public records disclosure requirements in the Public Records Act and this policy so they are able to, at a minimum, recognize a public records request and immediately forward public records requests to the Public Records Officer or designee and make the Public Records Officer or designee aware of the request.

3. Ensure that division employees promptly respond to the Public Records Officer's or designee's questions and participate in record searches when asked.

4. Provide the Public Records Officer or designee access to public records in order to perform duties related to the compliance of the Public Records Act, including promptly providing the fullest assistance to requesters. RCW 42.56.100, RCW 42.56.520

5. For each public records request for the division's records, identify a point of contact to coordinate with the Public Records Officer or designee.

IV. WMD employees shall:

1. Comply with agency, division, and office policies and procedures for public records disclosure.

2. Be trained and knowledgeable regarding public records disclosure requirements in the Public Records Act and this policy so they are able to, at a minimum, recognize a public records request and immediately forward public records

requests to the Public Records Officer or designee and make the Public Records Officer or designee aware of the request.

3. Promptly respond to the Public Records Officer's or designee's questions and participate in records searches when asked.
4. Provide the Public Records Officer or designee access to public records in order to perform duties related to the compliance of the Public Records Act, including promptly providing the fullest assistance to requesters. RCW 42.56.100, RCW 42.56.520

Guideline for Coordinating Responses to Public Records Requests

I. The Public Records Officer/Designee (PRO/D):

1. Receives and records the receipt of a request for public records.
2. Calculates and records the 5 business day deadline for response to the request.
3. Evaluates the request to determine which division(s) may have responsive records.
4. Coordinates with the WMD Records Officer to suspend disposition of potentially responsive records throughout the agency while the request is open.
5. Emails or calls the Director or designee for the division(s) that may have responsive records of the request, and:
   (a) Provides a copy of the request or describes the request.
   (b) Asks the Director or designee to identify a subject matter expert (SME) or point of contact (POC) to assist the PRO/D with processing the request.
6. Calls or meets with the SME/POC to:
   (a) Review the request to determine if it is unclear or does not sufficiently identify requested records and needs to be clarified.
      i. If the request needs to be clarified, the PRO/D contacts the requestor for clarification.
   (b) Evaluate whether or not the Division has potentially responsive records, and what other Divisions may also have records.
      i. If additional Divisions have potentially responsive records, the PRO/D goes back to Step 3 and contacts the appropriate Division Director or designee.
   (c) Design searches that are reasonably calculated to uncover responsive records: identify places that are likely to contain responsive records and should be searched, and types of searches and search terms (keywords, combinations of keywords, and operators) to use.
      i. If IT assistance is needed, the PRO/D requests support from the IT Division Director or designee.

(d) Estimate how long it will take to complete searches and provide complete copies of requested records in their native format to the PRO/D.

7. If the request impacts multiple Divisions, provide the IGA&P Director a brief update on the status of the request to be shared with the Executive Management Team (EMT).
8. Conducts searches, and documents them on a search form as they are completed.
9. Compiles responsive records.
10. As potentially responsive records are compiled:
    (a) Review the records for responsiveness.
    (b) Evaluate responsive records for exemptions from public disclosure.
    (c) Evaluate whether third persons or agencies should be notified under a collective bargaining agreement, contract, or other agreement, or to provide an opportunity to seek court protection of the records under RCW 42.56.540.
    (d) Notify third persons or agencies, when appropriate
    (e) Prepare the records for release to the requestor:
        i. Convert records to portable document format (PDF), if applicable.
        ii. Apply bates numbering.
        iii. Apply redactions and remove hidden information.
        iv. Create a records index and exemption/withholding log.
    (f) Respond in writing to make records and index/exemption log available to the requestor, or provide a withholding log.
11. Within five business days of receiving the request, respond to the requestor to:
    (a) Seek clarification;
    (b) Make the requested records available;
    (c) Estimate when we will make the requested records available;
    (d) Invoice for applicable copying charges under chapter 323-10 WAC; and/or
    (e) Deny the request.
12. Further respond to the requestor by the date indicated in 9(c), above, one of the following ways:
    (a) Make all requested records available.
    (b) Make one or more installments of requested records available with a revised estimate of when all requested records will be available.
    (c) Provide a revised estimate of when requested records will be available.

13. Continue to respond to the request until it is closed.
14. File records relating to the request in accordance with applicable record retention schedules.