

## **City of Toppenish Public Records Act Rules**

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### **Section 1. Authority and Purpose:**

The Public Records Act, RCW 42.56 ("The Act" or "PRA"), requires public agencies to make identifiable, non-exempt public records available for inspection and copying upon request and to publish rules of procedure to inform the public how access to public records can be accomplished. Pursuant to Resolution 2022-32 adopted by the City Council on June 27, 2022, the following Rules for responding to public records/disclosure requests are established.

The purpose of these rules is to provide procedures for the full and timely access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of efficient administration of our city government. The Act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the Act, the City will be guided by the provisions of the Act describing its purposes and interpretation. Unless otherwise stated herein, the definitions outlined in the Act shall apply. In the case of any conflict between these Rules and the Act, the Act shall apply.

### **Section 2. Description of City Services and Central Office:**

The City of Toppenish is a Washington municipal corporation that provides the full range of traditional municipal services through its various departments. These functions include, but are not limited to, maintaining public records. The City shall maintain descriptions of the City's organization and the process through which the public may obtain information from the City.

The City's central office is City Hall located at 21 West 1st Avenue, Toppenish, WA 98948.

### **Section 3. Public Records Officer:**

Any person wishing to request access to public records or seek assistance in making a request should contact the City's Public Records Officer. The City Clerk is designated as the City's Public Records Officer.

The Public Records Officer will oversee compliance with the Public Records Act and these Rules. In addition, each city department shall designate a staff member or members to assist the Public Records Officer in implementing these, Rules. The department designated public records staff member(s) will assist the Public Records Officer in communicating with requestors, identifying records responsive to requests pertaining to the department, redacting information that is exempt from production, and providing responsive records to requestors, as appropriate and under the oversight of the Public Records Officer.

The Public Records Officer and/or designees will provide the fullest assistance to

requestors, to ensure that public records are protected from damage or disorganization, and to prevent work related to public records requests from causing excessive interference with the essential functions of the City.

When using these Rules, references to the Public Records Officer should be interpreted to also include his or her designees and/or the department-designated public records staff members.

#### **Section 4. Availability of public records:**

- a. Hours for inspection:** Public records are available for inspection and copying during the City's normal business hours: Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. To assure protection of public records, City staff may require that inspection and/or copying of records responsive to a specific request occur at such dates and times as mutually agreed between City staff and a requestor.
- b. Place of inspection:** Records will be made available for inspection at the City's central office. City staff and the requestor may make mutually agreeable arrangements for inspection at other locations if the particular records being sought are maintained at field offices of the city.

A requestor shall not take City records from City offices without the permission of the Public Records Officer.

- c. Electronic access to records:** A variety of records are available on the City's website at: <https://www.cityoftoppenish.us/>.

To the extent practical, the city will store, maintain, and make its records available electronically. For those seeking responsive records in electronic format, the city may provide access to public records by providing links to the website containing an electronic copy of the record, provide records on a USB Flash Drive, or to transmit the responsive records via e-mail if the file size is less than 9 MB. The Public Records Officer will work with the requestor to determine the most appropriate method for providing electronic copies of responsive records.

- d. PRA Training Requirements:** Every local elected official and the City of Toppenish's Public Records Officer and other designated staff will receive records training in compliance with the Open Government Training Act.
- e. Records index:** By adopting Section 2.16.030 of the Toppenish Municipal Code, the City Council determined that maintenance of a current index of identifying information for the public records described in RCW 42.56.070(3) would unduly burden and interfere with city operations.
- f. Organization of records:** City departments will seek to maintain records in an organized manner and the city will take reasonable actions to protect records from damage and disorganization.

- g. Retention of records:** The City is not required to retain all records it creates or uses. The State Attorney General's Local Records Committee approves a general retention schedule for local agency records (including cities) that are common to most agencies. Individual agencies may seek approval from the Local Records Committee for retention schedules specific to their agency or that, due to their particular business needs, must be kept longer than provided in the general schedule. The retention schedules are available by visiting the Washington State Archives website: <https://www.sos.wa.gov/archives/RecordsManagement/>. Retention schedules vary based on the content of the record.

## **Section 5. Making a request for public records:**

- a. Reasonable notice that the request is for public records:** In order to make a request for public records, a requestor must provide the city with fair notice that a request is being made for public records. To do so, a requestor must request records as set forth in Section 5(b) below and, if the request is made other than via the online Public Records Request Center powered by GovQA or using the public records form available on the City website, the requestor needs to direct the request to the attention of the Public Records Officer and cite "public records" or "public disclosure". A requestor may not bury a request for public records within a larger document or communication unrelated to a public records request.

- b. Form:** Any person wishing to inspect or copy identifiable public records of the city should make the request in writing in one of the following ways:

- i. Requests for records other than Police and Municipal Court records:** Requests to inspect or copy any records maintained by the city, other than Police and Municipal Court records, should be made on the form to the Public Records Officer at:

In writing to:

City of Toppenish  
Public Records Officer - City Clerk's Office  
21 West 1st Avenue  
Toppenish, WA 98948  
Phone: (509) 865-6754 Fax: (509) 865-1950

Online at:

[Public Records Request Center](#) powered by GovQA (primary preferred method)

By email:

[publicrecords@cityoftoppenish.us](mailto:publicrecords@cityoftoppenish.us)

- ii. Request for Police records:** Requests to inspect or copy records maintained by the City's Police Department, including body worn camera records, should be made to the Police Records Specialist at:

In writing to:

Toppenish Police Department  
Police Records Specialist – Chief of Police’s Office  
1 West 1st Avenue  
Toppenish, WA 98948  
Phone: (509) 865-1629  
Fax: (509) 865-5054

Online at:

[Public Records Request Center](#) powered by GovQA (primary preferred method)

By email:

[publicrecords@cityoftoppenish.us](mailto:publicrecords@cityoftoppenish.us)

**Requests for Municipal Court records:** Toppenish Municipal Court files are not subject to the Public Records Act. Access to these records may be sought by contacting the Municipal Court directly. Requests to inspect or copy records maintained by the Toppenish Municipal Court, should be made to the Court Administrator:

In writing to:

Toppenish Municipal Court  
Sunnyside Law & Justice – Court Administrator  
401 Homer Street  
Sunnyside, WA 98944  
(509) 839-4427 Phone  
(509) 836-6272 Fax

Online at:

<http://www.ci.sunnyside.wa.us/135/Municipal-Court>

By email:

[vengquist@sunnyside-wa.gov](mailto:vengquist@sunnyside-wa.gov)

- iii. Internet access to records. Many records are also available on the city of Toppenish website at: <https://www.cityoftoppenish.us/>. Requestors are encouraged to view the documents available on the website prior to submitting a public records request.
- iv. Regardless of the form of the request, the following information shall be included in the request:
  - Name and address of requestor.
  - Other contact information, including telephone number and email address.
  - The fact that the requestor is making a Public Records Act request.
  - Identification of the requested records adequate for the Public Records Officer to locate the records; and
  - The date of the request.

- c. **Identifiable Record:** A requestor must request an "identifiable record" or "class of records" before the city must respond to it. An "identifiable record" is one that is existing at the time of the request and which City staff can locate. The Act does not require the city to be a "mind reader" or to guess what records are being requested. The Act does not allow a requestor to make "future" or "standing" (ongoing) requests for records not in existence; nonexistent records are not "identifiable."

A request for all or substantially all records prepared, owned, used, or retained by the city agency is not a valid request for identifiable records; a request for all records must identify a particular topic or contain a particular keyword or name to not constitute a request for all of the City's records. A "keyword" or name must have some meaning that reduces a request from all or substantially all of the City's records.

An "identifiable record" is not a request for "information" in general. For example, asking "what policies" the City has for handling discrimination complaints is merely a request for "information." A request to inspect or copy the City's policies and procedures for handling discrimination complaints would be a request for an "identifiable record."

Public records requests also are not interrogatories or questions. The City is not required to answer questions about records, City business or City actions, or conduct legal research for a requestor.

When a request uses an inexact phrase such as all records "relating to" a topic (such as "all records relating to the property tax increase"), the Public Records Officer may interpret the request to be for records which directly and reasonably address the topic. The Public Records Officer should inform the requestor of the City's interpretation when responding to a request.

- d. **Prioritization of records:** The Public Records Officer may ask a requestor to prioritize installments of the records he or she is requesting so that particular records may be provided first. A requestor need not prioritize installments for their request; however, if a requestor chooses not to prioritize installments or declines the Public Records Officer's request that the requestor do so, the Public Records Officer will provide records in the order determined by the Public Records Officer or designees.
- e. **Copies:** If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make a deposit or pay for the copies, as further discussed in Section 10 below. Costs for copies are set out on the Master Fee Schedule established by resolution of the City Council, as amended from time to time, and made available at City Hall and on the City's website.

- f. **Oral Requests:** The Public Records Officer may accept oral requests for public records that contain the above information by telephone or in person, provided that the request seeks a particular document identifiable by name, e.g., "current City zoning map," or "Ordinance No. 1111." If such an oral request is made, the Public Records Officer will confirm receipt of the information and the substance of the request in writing. If other requests are attempted to be made orally, in order to avoid confusion, the Public Records Officer will direct the requestor to submit the online public records request form (Section 5(b)(i) or (ii) or (iii) above) or to otherwise submit the request in writing.
- g. **Requests made directly to City department:** All requests for public records shall only be delivered to the Public Records Officer. No other City departments are authorized to accept requests.
- h. **Purpose of request:** The City shall not distinguish among persons requesting records. To that end, a requestor need not state the purpose of the request, except that the city may request the requestor to provide information as to the purpose of the request in the following instances:
  - 1. If the request is for a list of individuals, the City shall investigate whether the requestor intends to use the list for commercial purposes. The city may require the requestor sign a declaration stating that he or she will not use the list for commercial purposes. Unless otherwise required by law, the City shall not give, sell, or provide access to lists of individuals requested for commercial purposes.
  - 2. The City may request information from a requestor about the purpose of the request sufficient to allow a determination as to whether another statute prohibits disclosure of specific information or records to certain persons.
  - 3. The city may request information from a requestor about the purpose of a request in an effort to better understand the request and provide all responsive records.
- i. **Overbroad requests:** The City may not deny a request for identifiable public records solely because the request is overbroad. However, the city may seek clarification, ask the requestor to prioritize the request so that particular records are provided first, and/or communicate with the requestor in an effort to voluntarily limit the size and complexity of the request. The city may also provide the responsive records in installments.

## **Section 6. Processing public records requests:**

- a. **Providing "fullest assistance":** These Rules and related policies and procedures identify how the City will provide full access to public records, protect records from damage or disorganization, prevent excessive interference with other essential functions of the agency, provide the fullest assistance to requestors and provide the timeliest possible action on public records requests. The Public Records Officer

and/or department-designated staff will make themselves available to help requestors identify records they are looking for, provided that the giving of such assistance does not unreasonably disrupt the daily operations of the Public Records Center or other duties of any assisting employee(s) in other City departments.

- b. Order for processing requests:** The Public Records Officer will process requests in the order and manner he or she determines to be the most efficient. If a request involves production of records in installments, and the requestor has prioritized the preferred order of production of those installments, the Public Records Officer will provide the installments according to the requested prioritization.
- c. Acknowledging receipt and fulfilling requests:** Within five business days of receipt of the request, the Public Records Officer will respond in one of the following ways:
  - 1. Make the record available for inspection or copying.
  - 2. Provide a link to the City's webpage where the requested records are posted.
  - 3. Acknowledge that the request has been received and provide a reasonable estimate of when records will be available.
  - 4. If the request is unclear or does not sufficiently identify the requested records, the Public Records Officer will acknowledge receipt of the request, request clarification from the requestor and provide a reasonable estimate of time it will take to respond to the request if it is not clarified. Such clarification may be requested and provided by telephone; or
  - 5. Deny the request.
- d. Reasonable estimate of time to fully respond:** If not able to fulfill the request within the five-business-day period, the Public Records Officer will provide a reasonable estimate of the time it will take to fully respond to the request. Additional time may be needed to clarify the scope of the request, locate, and assemble the potentially responsive records, notify third parties affected by the request, consult with the City Attorney about whether any portion of the record is exempt from disclosure, redact confidential or otherwise exempt information, and/or prepare an exemption log.

The Public Records Officer should briefly explain the basis for the time estimated to respond. Should an extension of time be necessary to fulfill the request, the Public Records Officer will provide a revised estimate and explain any changed circumstances related to the extension.

- e. Multiple requests by the same requestor:** In order to provide the fullest assistance to all records requestors and to prevent excessive interference with other essential functions of the City, if the same requestor (or their representative) has submitted multiple unrelated requests, the Public Records Officer may process the requests one at a time and in the order received, in order to allow the Public Records Officer to also process other requestors' later-received requests.

Requestors may prioritize the order in which the city processes such multiple requests. If a requestor submits multiple requests that relate to the same subject, project, keyword, etc., the Public Records Officer may consolidate such requests to be processed simultaneously. The City shall endeavor to provide all requestors, and their representatives, with equal assistance and attention, to the extent reasonably and feasibly possible.

- f. Failure to respond within 5-day period:** If the City does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the Public Records Officer to determine whether the request has been received by the city.
  
- g. Requesting Clarification:** In acknowledging receipt of a public record request that is unclear, the city may ask the requestor to clarify what information the requestor is seeking. Additionally, clarification may be sought in circumstances which include (but are not limited to) the following:
  - 1. To determine the specific date or date range of records sought, if known.
  - 2. To ask a requestor to prioritize the records he or she is requesting so that the city is able to provide the most important records first. The city is not required to ask for prioritization, and a requestor is not required to provide it; however, if the City requests prioritization and the requestor declines to provide it, the Public Records Officer will determine the order/priority of records to be produced.
  - 3. To clarify requests for records identified in vague terms such as "any and all documents related to," "all records relating to" or similar language. If the requestor is unable or unwilling to help narrow the scope of the documents being sought in order to expedite the City's response and/or reduce the volume of potentially responsive documents, the city may err on the side of producing more rather than fewer documents in response to such a broad, general request. City staff shall not be obligated to interpret such a broad, general request in order to decipher which specific documents may be of interest to the requestor and the Act does not allow a requestor to search through the City's files for records which cannot be identified or described to the City.

Such clarification may be requested and provided by telephone. If the clarification is made by telephone, the Public Records Officer will confirm the scope of the clarification in writing. The confirmation will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement of the scope.

If the requestor fails to respond to a city request to clarify the request within 30 days, and the entire request is unclear, the city may consider the request abandoned. Otherwise, the city will respond to those portions of the request that, in the determination of the Public Records Officer, are clear. If the City considers



the request abandoned, it will send a closing letter to the requestor.

- h. Consequences of disclosing a record in error:** The City, and its officials, agents, employees, or custodians shall not be liable, nor shall a cause of action exist, for loss or damage based on release of a public record if the City, official, agent, employee or custodian acted in good faith in attempting to comply with the Public Records Act.
- i. Searching for records:** The City must conduct an objectively reasonable search for responsive records. The Public Records Officer will determine where responsive records are likely to be located and involve records coordinators in other departments, as needed, to assemble the records.

After potentially responsive records are located, the Public Records Officer may take reasonable steps to narrow down the number of records assembled to those that appear directly responsive to the request; provided, however, that in the case of a broad request, the Public Records Officer may provide all documents located by search terms reasonably related to the breadth of the request, particularly if the requestor is unable or unwilling to help narrow the scope of the documents being sought.

If the City does not locate responsive documents, it will so indicate to the requestor, and will explain in at least general terms the places searched and/or the search terms employed.

- j. Preserving requested records:** If a requested record is scheduled shortly for destruction under the City's records retention schedule, the record cannot be destroyed until the public disclosure request has been resolved. Once a request has been closed, the Public Records Officer can destroy the record in accordance with the retention schedule.
- k. Records exempt from disclosure:** Some records or information contained therein are exempt from disclosure, in whole or in part (see Section 9).

If the City believes that a record is exempt from disclosure and should be withheld, in whole or in part, the Public Records Officer will state the specific exemption and provide a brief explanation of why the record, or a portion of the record is being withheld.

If only a portion of the record is determined to be exempt, the Public Records Officer will redact the exempt portions and provide the non-exempt portions (See Section 9 below).

- l. Court protection of records (Third-party notice):** If the requested records contain information that may affect rights of a person who is named in the record or to whom the record specifically pertains and that may be exempt from disclosure, prior to providing the records, the Public Records Officer may give notice to such persons. Fourteen (14) calendar days' notice will be given in order

to make it possible to contact the requestor and ask him or her to revise the request or, if necessary, allow affected individuals to take action to seek an order from a court to prevent or limit the disclosure. The notice to the affected person will include a copy of the request. Nothing in this section requires the city to provide such third-party notice, unless otherwise required by law.

- m. Inspection of records:** To the extent possible, the Public Records Officer shall promptly provide space to inspect public records at the City's central office. The requestor must claim or review the assembled records within 30 days of the Public Records Officer's notification that the records are available for inspection or copying. The Public Records Officer will notify the requestor in writing of this requirement and suggest that he or she contact the agency to schedule a time to claim or review the records. Depending on the number and length of responsive records, the Public Records Officer may require that the records inspection occur at such date and time mutually agreed by the records requestor. Possession of cameras, mobile phones, laptops, tablets, or other electronic devices within such room where public records are made available for inspection is prohibited.

If the requestor or a representative of the requestor fails to claim or review the records within the 30-day period, or make other arrangements, the Public Records Officer may close the request and re-file the assembled records. Other public records requests can be processed before a subsequent request by the same person for the same or almost identical records, which will be processed as a new request.

Members of the public may not remove documents from the viewing area or disassemble or alter any document. City employees may be present during the inspection of records.

- n. Providing copies of records:** If the requestor has first inspected paper copies of potentially responsive records, the requestor shall indicate which documents he or she wishes to have copied using a mutually agreed upon non-permanent method of marking the desired records. After inspection is complete, the Public Records Officer will arrange for copying. Making a copy of an electronic record is considered copying and not creation of a new record.
- o. Providing records in installments:** When the request is for a large number of records, the records will be provided in, installments. If the requestor fails to inspect the installment within 30 days of the records being made available for inspection or copying, the Public Records Officer may stop searching for the remaining records and close the request.
- p. Completion of inspection:** When the inspection of the requested records is complete and all requested copies are provided, the Public Records Officer will indicate that the city has completed a diligent search for the requested records and made any located non-exempt records available for inspection.

If the requestor obtains the records he or she is seeking while the City's response

is still ongoing, the requestor should advise the Public Records Officer that the requested records satisfy the request and that the remainder of the request may be cancelled.

- q. Closing withdrawn or abandoned requests:** The Public Records Officer or designee will close the request and notify the requestor in writing that the City has closed the request when the requestor either:
1. Withdraws the request.
  2. Fails to fulfill his or her obligations to inspect the records.
  3. Fails to pay the 10% deposit.
  4. Fails to pay the required fees for an installment; or
  5. Fails to make final payment for the requested copies.
- r. Later discovered documents:** If, after the Public Records Officer has informed the requestor that the city has provided all available records, the city becomes aware of additional responsive documents that existed on the date of the request, the Public Records Officer will promptly inform the requestor of the additional documents and provide them on an expedited basis.
- s. No duty to create records:** The City is not obligated to create a new record to satisfy a records request; however, the City may, with the requestor's approval, create such a new record to fulfill the request where it may be easier for the City to create a record responsive to the request than to collect and make available voluminous records that contain small pieces of information responsive to the request. The city is not required to conduct research for a requestor.
- t. No duty to supplement responses:** The City is not obligated to hold current records requests open to respond to requests for records that may be created in the future. If a public record is created after a request is received by the city, it is not responsive to the request and will not be provided. A new request must be made to obtain later-created public records.
- u. No access to City network or systems:** Requestors shall not be permitted to access or “plug into” City networks or systems or copy records using personal devices or equipment, such as USBs or scanners, which must be connected to City equipment in order to copy records.
- v. Prevention of excessive interference with essential government functions:** To prevent excessive interference with other essential functions of the city, and to allow the Public Records Officer and other designated City staff members to perform their other assigned duties, those staff members will each spend a maximum of 20 hours per month responding to public records requests. Each department-designated staff member assisting the Public Records Officer and other designated City staff members, under Section 3 of these Rules will spend a maximum of 10 hours per month responding to or assisting with responses to public records requests.

## **Section 7. Processing requests for electronic records:**

- a. Providing electronic records:** If public records are requested in electronic form, the Public Records Officer will provide non-exempt records in a commercially available electronic format that is used by the City, as determined by the Public Records Officer in conjunction with the City's Information Technology policies.
- b. Access to electronic records:** The Public Records Officer may provide a link to electronic records easily found on the City's website. Records may also be accessed using an online transfer or sharing site, email for files consisting of less than 9 MB, or an external device such as a USB drive. Copying of electronic records are subject to fees listed in the Master Fee Schedule adopted by Council, as amended from time to time.
- c. Paper records provided electronically:** Paper records that are specifically requested to be provided electronically are subject to processing fees listed in the Master Fee Schedule, adopted by the City Council, as amended from time to time.

**Section 8. Retention of records:** The City will retain its records in accordance with retention schedules approved by the State Local Records Committee. Public records may not be destroyed per a retention schedule if a public records request or actual or anticipated litigation is pending.

**Section 9. Exempt and prohibited disclosure of public records:** All public records maintained by the City are available for public inspection and copying in accordance with these Rules unless the records are specifically exempt or prohibited from disclosure by applicable state and federal laws.

- a.** The Public Records Act and other statutes provide that a number of document types and information are prohibited from being disclosed or are exempt from public inspection and copying. The City will maintain a list of exemptions and prohibitions for disclosure of public records.
- b.** The City's failure to list an exemption shall not affect the effectiveness of the exemption.

## **Section 10. Costs of providing copies of public records:**

- a. Calculating the Actual Cost of Providing Public Records Would be Unduly Burdensome:** Under RCW 42.56.120(2), an agency need not calculate the actual costs it charges for providing public records if the agency has rules or regulations declaring the reasons for doing so would be unduly burdensome. To the extent an agency has not determined the actual cost of providing the public records, an agency may use the statutory default fees set forth in RCW 42.56.120(2). Based on the following findings, the city will charge fees for providing public records pursuant to the default fees set forth in RCW 42.56.120(2):

1. Calculating the actual costs of providing public records would be unduly burdensome because funds were not allocated for performing a study to determine actual costs.
2. The City lacks the necessary funds and staff resources to conduct a comprehensive study to determine the actual costs.
3. To conduct such a study would interfere with the City's other essential agency functions.

**b. Costs for Copies:** A requestor may obtain copies or scans as provided under RCW 42.56.070(7), RCW 42.56.120, and WAC 44-14-07003; the city will charge for those copies or scans according to the fees from the Master Fee Schedule below, adopted by the City Council, as amended from time to time.

1. Fifteen cents (15¢) per page for standard (8 ½ inch x 11 inch or 8 ½ inch x 14 inch) black-and-white photocopies of public records or printed copies of public records, for the use of City equipment to make standard black-and-white photocopies, or actual cost if documents are sent out for copying.
2. Ten cents (10¢) per page for public records scanned into an electronic format request, or for the use of City equipment for scanning.
3. Five cents (5¢) for every four electronic files or attachments uploaded to an email, cloud storage service, or other electronic delivery system.
4. Ten cents (10¢) per gigabyte for the transmission of public records in an electronic format or for the use of agency equipment to send the records electronically. The agency shall take reasonable steps to provide the records in the most efficient manner available to the agency in its normal operations.
5. The actual cost of any digital storage media or device provided by the agency, the actual cost of any container or envelope used to mail the copies to the requestor, and the actual postage or delivery charge.
6. The actual cost of copying and taxes actually charged by any third-party vendor used to make copies of specialized records such as maps, plans, blueprints, etc.

The Public Records Officer may elect to waive these fees. Fees will be waived when the expense of billing exceeds the cost of copying and postage. If a requestor asks the city to provide an estimate of charges before copies are made, the city must provide such an estimate. The requestor must then be given the opportunity to revise their request to reduce the charges.

**c. Communication Tapes/CD's:**

1. \$10.00 per item

**d. Police/Fire Incident Reports for Insurance Companies:**

1. \$15.00 per report, for Police Incident Report for Insurance Company
2. \$15.00 per report, for Fire Incident Report for Insurance Company

- e. **Deposit or payment by installments:** Prior to copying records, the Public Records Officer or designee may require a deposit of up to ten percent (10%) of the estimated costs of copying the records, including customized service charges, selected by a requestor. The Public Records Officer or designee may also require the payment of the remainder of the copying costs immediately upon delivery or receipt of all the records, or the payment of the costs of copying an installment immediately upon delivery or receipt of each installment. The city will not charge sales tax when it makes copies of public records.
- f. **Payment:** Payment may be made to the city by cash, check, money order or by using online portal to pay with a credit or debit card. Payment shall be made payable to the order of the City of Toppenish.
- g. **Costs for specialized services:** In the event the City is required, due to the size of the records, or when there is a need for specialized copying equipment (i.e., photographs, blueprints, taped or video recordings) to use the services of an outside source designated by the City, the requestor shall be required to pay the actual costs of such service, including delivery and return of public records for the purpose of copying.
  - 1. Before the City may expend any specialized services costs or assess those costs, the city must notify the requestor of the specialized service charge to be applied to the request, including an explanation of why the specialized service charge applies, a description of the specific expertise, and a reasonable estimate of the charge. The notice must also provide the requestor the opportunity to amend his or her request in order to avoid or reduce the cost of a specialized service charge.
- h. **Costs of mailing:** The City may also charge actual costs of mailing or postage (including the costs of the shipping container) and the actual costs of long-distance facsimile transmission.
- i. **Use of other copying services.** The city is not required to copy records at its own facilities and may determine to use a commercial copying center for duplicating voluminous records or records in non-routine formats such as photographs, blueprints, or tape recordings. The city will bill the requestor for the amount charged by the vendor.

## **Section 11. Denials of requests for public records:**

- a. **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including by email) to the Public Records Officer for a review of that decision. The petition shall include a copy of the written statement by the Public Records Officer or designee denying the request and the basis for the requestor's challenge to the denial.

- b. Consideration of petition for review.** The Public Records Officer shall promptly provide the petition and any other relevant information to the City Attorney or his or her designee to conduct the review. The City Attorney or designee will promptly consider the petition and either affirm or reverse the denial within two business days following the City's receipt of the petition, or within such other time to which the City and the requestor mutually agree.
- c. Alternative Dispute Resolution:** In the event of a dispute regarding the inspection or copying of public records, the parties are encouraged to first meet in a good faith attempt to resolve the dispute by agreement of the parties or by mediation. In the event the dispute remains, the dispute can be resolved by arbitration pursuant to RCW Chapter, 7.04A, the Mandatory Rules of Arbitration, as amended, and venue being placed in Yakima County, Washington.
- d. Judicial review:** Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

**Section 12. References:** Revised Code of Washington (RCW) Chapter 42.56 (Public Records Act); Washington Administrative Code (WAC) Chapter 44-14 (Public Records Act – Model Rules) provides direction and assistance regarding Requests for Public Records; and RCW Chapter 40.14 (Preservation and Destruction of Public Records).

**Section 13. Exemptions provided by other statutes:** The Act provides that a number of records are exempt from public inspection and copying. In addition, documents are exempt from production if any "other statute" exempts or prohibits production. Requestors should be aware of the following exemptions, outside the Act, which may restrict the availability of some records held by the City for inspection and copying/scanning:

RCW 2.64.111	Judicial conduct commission investigations of judges and initial proceedings
RCW 4.24.550	Information on sex offenders
RCW 4.24.601 and .611	Trade secrets and confidential research, development or commercial information re products or business methods
RCW 5.60.060	Privileged communications
RCW 5.60.070	Mediation records
RCW 7.07.070	Mediation records
RCW 7.68.140	Victims' compensation claims
RCW 7.69A.030(4)	Name, address and photograph of child victim or child witness
RCW 7.69A.050	Child victims and witnesses of certain crimes – protection of address
RCW 7.75.050	Records of Dispute Resolution Centers
RCW 9.02.100	Reproductive privacy
RCW 9.41.097(2)	Mental health information re persons buying pistols or applying for CPLs
RCW 9.41.129	Concealed pistol license applications
RCW 9.73.230	Name of confidential informants in written report on wire tapping
RCW 9.51.050	Disclosing transaction of grand jury
RCW 9.51.060	Disclosure of grand jury deposition
RCW 9.73.090(1)(c)	Prohibition on disclosure of law enforcement dash cam videos until final disposition of litigation
RCW 9A.44.138	Offender registration information given to high school

	or institution of higher education re an employee or student
RCW 9A.82.170	Financial institution records re criminal profiteering act
RCW 10.27.090	Grand jury testimony/evidence
RCW 10.27.160	Grand jury reports – release to public only by judicial order RCW 10.52.100
	Records identifying child victims of sexual assault
RCW 10.77.205	Information re victims, next of kin, or witnesses requesting notice of release of person found not guilty of a sex, violent, or felony harassment offense by reason of criminal insanity and the notice itself
	Records identifying child victim of sexual assault
RCW 10.52.100	Records of persons committed for criminal insanity
RCW 10.77.210	Criminal history information released must include disposition, with some exceptions
RCW 10.97.040	Conviction and criminal history information
	Deletion of certain criminal history record information, conditions
RCW 10.97.050	Disclosure of identity of suspect to victim
RCW 10.97.060	Inspection of criminal record by subject
	Information about victims of sexual assault underage eighteen
RCW 10.97.070	Information given by an accused regarding determination for indigent defense
RCW 10.97.080	
RCW 10.97.130	
RCW 10.101.020(3)	
	Court dependency proceedings
RCW 13.34.115	Juveniles settled of sex offenses – release of information
RCW 13.40.217	Maintenance of and access to juvenile records
RCW 13.50.010	Juvenile offender records
RCW 13.50.050	Juvenile/children records not relating to offenses
RCW 13.50.100	Missing children or endangered person information
RCW 13.60.020	Confidentiality of information gained by CPA
RCW 18.04.405	Notification to clients by counselors
RCW 18.19.060	Confidential communications with counselors
RCW 18.19.180	Destruction of personal health and financial information
RCW 19.215.020	Private digital signature keys
RCW 19.34.240(3)	Compliance with federal rules
RCW 19.215.030	Name and address of domestic violence victim in marriage records
RCW 26.04.175	Reports of child abuse/neglect with courts
RCW 26.12.170	Child support orders
RCW 26.23.050	Child support records
RCW 26.23.120	Uniform Parentage Act – protection of participants
RCW 26.26.041	Confidentiality of genetic testing
RCW 26.26.450	Sealed court adoption records
RCW 26.33.330	Agency adoption records
RCW 26.33.340	Access to adoption records by confidential intermediary
RCW 26.33.343	Adoption – identity of birth parents confidential
RCW 26.33.380	Privacy of reports on child abuse and neglect
RCW 26.44.010	Information related to reports of child abuse or neglect
RCW 26.44.031	Reports, reviews and hearings related to a review of abuse finding
RCW 26.44.125	Records identifying the location of archaeological sites
RCW 27.53.070	Voter registration records – place of registration and any decision not to register to vote confidential
RCW 29A.08.720	
	Voter registration records – certain information exempt
RCW 29A.08.710	Municipal business and occupation tax – local ordinance can protect return or tax information
RCW 35.102.145	
	Tactical and intelligence information provided to WASPC
RCW 36.28A.060(8)	Alternative public works – trade secrets or other proprietary information submitted by bidder in connection with an alternative public works transaction if data identified and reasons stated in writing
RCW 39.10.470(2)	



RCW 39.10.470(3)	Alternative public works – proposals submitted by design-build finalists until notification of highest scoring finalist is made
RCW 42.23.070(4)	Municipal officer disclosure of confidential information prohibited
RCW 42.41.030(7)	Identity of local government whistleblower
RCW 42.41.045	Non-disclosure of protected information (whistleblower)
RCW 43.43.762	Contents of statewide criminal street gang database
RCW 46.52.065	State toxicologist records relating to analyses of blood samples
RCW 46.52.080	Traffic accident reports – confidentiality
RCW 46.52.083	Traffic accident reports – available to interested parties
RCW 46.52.120	Traffic crimes and infractions – confidential use by police and courts
RCW 46.52.130(2)	Abstract of driving record – limited disclosure
RCW 48.62.101	Local government insurance/risk management liability reserve funds established to settle claims
RCW 50.13.060	Access to employment security records by local government agencies
RCW 50.13.100	Disclosure of confidential employment security records allowed if identifying information deleted or with consent
RCW 51.28.070	Worker's compensation records confidential – limited disclosure
RCW 51.36.060	Physician information on injured workers
RCW 60.70.040	No duty to disclose record of common law lien
RCW 68.50.105	Autopsy reports – confidential – limited disclosure
RCW 68.50.320	Dental identification records – available to law enforcement agencies
Ch. 70.02 RCW	Medical records – access and disclosure – entire chapter (Information from HC providers)
RCW 70.05.170	Child mortality reviews by local health departments
RCW 70.24.022	Public health agency information regarding sexually transmitted disease investigations - confidential
RCW 70.24.024	Transcripts and records of hearings regarding sexually transmitted diseases
RCW 70.28.020	Local health department TB records – confidential
RCW 70.41.200	Hospital quality improvement committee records and Accreditation reports
RCW 70.48.100	Jail records and booking photos
RCW 70.58.055	Birth certificates – certain information confidential
RCW 70.58.104	Vital records, research confidentiality safeguards
RCW 70.94.205	Washington Clean Air Act – confidentiality of data.
RCW 70.96A.150	Registration and other records of alcohol and drug abuse treatment programs
RCW 70.123.075	Client records of domestic violence programs
RCW 70.125.065	Records of community sexual assault program and underserved populations provider in discovery
RCW 71.05.425	Notice of release or transfer of committed person after offense dismissal
RCW 71.05.445	Release of mental health information to Dept. of Corrections
RCW 71.05.620	Access to court records related to mental health cases under chapter 71.05 RCW
RCW 71.24.035(5)(g)	Mental health information system – state, county and regional support networks – confidentiality of client records
RCW 71.34.335	Mental health treatment of minors – records confidential
RCW 71A.14.070	Records regarding developmental disability – confidentiality
RCW 72.09.345	Notice to public about sex offenders – department of corrections access to information
RCW 72.09.585	Disclosure of inmate records to local agencies – confidentiality
RCW 73.04.030	Veterans discharge papers exemption (see related RCW 42.56.440)
RCW 74.04.060	Applicants and recipients of public assistance
RCW 74.04.520	Food stamp program confidentiality
RCW 74.13.075(5)	Juvenile's status as a sexually aggressive youth and related info
RCW 74.13.280	Children in out-of-home placements – confidentiality

RCW 74.20.280	Child support enforcement – local agency cooperation, information
RCW 74.34.095	Abuse of vulnerable adults – confidentiality of investigations and reports
RCW 82.32.330	Disclosure of tax information
RCW 84.36.389	Confidential income data in property tax records held by assessor
RCW 84.40.020	Confidential income data supplied to assessor regarding real property
18 USC § 2721 - 2725	Driver and license plate information
20 USC § 1232g	Family Education Rights and Privacy Act
23 USC § 409	Evidence of certain accident reports
42 USC 290dd-2	Confidentiality of substance abuse records
42 USC § 405(c)(2)(C)(viii) (I)	Limits on use and disclosure of social security numbers.
42 USC 654(26)	State plans for child support
42 USC 671(a)(8)	State plans for foster care and adoption assistance
42 USC 1396a(7)	State plans for medical assistance
7 CFR 272.1(c)	Food stamp applicants and recipients
34 CFR 361.38	State vocational rehabilitation services programs
42 CFR Part 2 (2.1 - 2.67)	Confidentiality of alcohol and drug abuse patient records
42 CFR 431.300 - 307	Safeguarding information on applicants and recipients of medical assistance
42 CFR 483.420	Client protections for intermediate care facilities for the mentally retarded
42 CFR 5106a	Grants to states for child abuse and neglect prevention and treatment programs
45 CFR 160-164	HIPAA privacy rule
45 CFR 40.321	USCG regulations regarding confidentiality
RCW 42.56.240(14)	Body worn camera recordings with counseling or medical facility
RCW 42.56.240(14)(a)(i)(A)(II); & RCW 42.56.130	Body worn camera recordings where health care information is shared with patients, their families, or among a care team
RCW 42.56.240(14)(a)(i)(B); Chapter 70.02 RCW; HIPPA (45 CFR Part 160); & RCW 42.56.130	Body worn camera recordings with health care information
RCW 42.56.240(14)(a)(ii); & RCW 42.56.130	Body worn camera recordings of residential interior
RCW 9A.86.010; RCW 42.56.240(14)(a)(iii); & RCW 42.56.130	Body worn camera recordings of intimate images
RCW 42.56.240(14)(a)(iv); & RCW 42.56.130	Body worn camera recordings of images of minors
RCW 42.56.240(14)(a)(v); & RCW 42.56.130	Body worn camera recordings of deceased persons
RCW 10.99.020; RCW 70.125.030; RCW 42.56.240(14)(a)(vi); & RCW 42.56.130	Body worn camera recordings of domestic violence or sexual assault victim or witness
RCW 70.123.020; RCW 42.56.240(14)(a)(vii); & RCW 42.56.130	Body worn camera recordings of domestic violence and emergency shelter locations
RCW 42.56.240(14)(d) & RCW 42.56.130	Body worn camera recordings with specific details required for records request (name person involved, incident or case number, officer, date, time, and location of incident)
RCW 42.56.240(14); RCW 42.56.050; & RCW 42.56.130	Body worn camera recordings that nondisclosure is essential for the protection of any person's right to privacy