

RESOLUTION NO. 2016-01

A RESOLUTION BY THE MASON TRANSIT AUTHORITY BOARD, AMENDING RESOLUTION NO. 2014-07 AND AMENDING THE PUBLIC RECORDS REQUESTS POLICY FOR NAMING A NEW PUBLIC RECORDS OFFICER.

WHEREAS, by adopting Resolution No. 2014-07, the Mason Transit Authority (MTA) established and adopted POL-2000.15 Mason Transit Authority Public Records Requests Policy (the "Policy"); and

WHEREAS, certain of the contact information in Section 3 has changed since the adoption of the Policy; and

WHEREAS, MTA desires to appoint Tracy Becht as its Public Records Officer;

NOW THEREFORE BE IT HEREBY RESOLVED by the Mason Transit Authority Board that Section 3 of POL-2000.15 shall be amended as set forth in Exhibit A attached hereto and incorporated herein and that any time in the future should a new public records officer be appointed, it shall be done by resolution of the MTA Board.

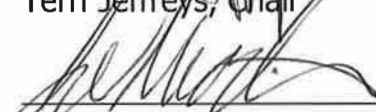
Dated this 19th day of January, 2016.



Terri Jeffreys, Chair



John Campbell, Vice-Chair




Wes Martin, Authority Member



Tracy Moore, Authority Member



Randy Neatherlin, Authority Member



Deborah Petersen, Authority Member

Don Pogreba, Authority Member



Ginger Seslar, Authority Member



Tim Sheldon, Authority Member

APPROVED AS TO CONTENT: 

Brad Patterson, General Manager

APPROVED AS TO FORM: 

Robert W. Johnson, Legal Counsel

ATTEST:


Tracy Becht, Clerk of the Board

DATE:

1/29/2016

POLICY – PUBLIC RECORDS REQUESTS

See Also: N/A

Prepared by: T-CC Manager

Approved by: Authority Board

POL-2000.15 PUBLIC RECORDS REQUESTS

This policy applies to all persons requesting public records of Mason Transit Authority and to those personnel providing public record(s).

1. Mason Transit Authority Discloses Public Records

Mason Transit Authority shall disclose public records in compliance with the Public Records Act of the State of Washington, Chapter 42.56 RCW. Mason Transit Authority adopts the model procedural rules, as follows, adopted by the State as its procedural rules for disclosing public records.

2. Authority and Purpose. WAC 44-14-010

- RCW 42.56.070(1) requires Mason Transit Authority to make available for inspection and copying nonexempt “public records” in accordance with published rules. The act defines “public records” to include 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 Mason Transit Authority RCW 42.56.070 (2) requires Mason Transit Authority to set forth “for informational purposes” every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public records held by Mason Transit Authority.
- The purpose of these rules is to establish the procedures Mason Transit Authority will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of Mason Transit Authority and establish processes for both requestors and Mason Transit Authority staff designated to best assist members of the public obtaining such access.
- The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals’ privacy rights and the desirability of the efficient administration of government. The act and the rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, Mason Transit Authority will be guided by the provisions of the act describing its purposes and interpretation

3. Agency Description – Contact Information – Public Records Officer. WAC 44-14-020

- Mason Transit Authority provides public transportation services to the Public Transportation Benefit Area within Mason County. Mason Transit Authority

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See Also: N/A

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Approved by: Authority Board

Authority's central office is located at 790 E. Johns Prairie Road, Shelton, Washington 98584.

- Any person wishing to request access to public records of Mason Transit Authority, or seeking assistance in making such a request should contact the public records officer of Mason Transit Authority:

Public Records Officer
Mason Transit Authority
790 East Johns Prairie Road
Shelton, Washington 98584
Phone: (360) 426-9434
Fax: (360) 426-0899
Email: publicrecords@masontransit.org

- The public records officer will oversee compliance with the act but another Mason Transit Authority staff member may process the request. Therefore, these rules will refer to the public records officer "or designee". The public records officer or designee and Mason Transit Authority will provide the "fullest assistance" to requestors; ensure the public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of Mason Transit Authority Availability of Public Records. WAC 44-14-030

4. Availability of Public Records. WAC 44-14-030

- Hours for inspection of records. Public records are available for inspection and copying during normal business hours of Mason Transit Authority, Monday-Friday, 9:00 AM to 4:00 PM, excluding legal holidays. Records must be inspected at the offices of Mason Transit Authority.
- Records Index. Mason Transit Authority has issued an order as authorized by RCW 42.56.070 that maintaining a current public records index would be unduly burdensome and will not be done. The Mason Transit Authority staff will give the public the fullest assistance practicable in identifying and disclosing public records.
- Organization of Records. Mason Transit Authority will maintain its records in a reasonably organized manner. Mason Transit Authority will take reasonable actions to protect records from damage and disorganization. A requestor shall not take Mason Transit Authority records from Mason Transit Authority offices without the permission of the public records officer or designee.

POLICY – PUBLIC RECORDS REQUESTS

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- Making a request for public records. Any person wanting to inspect or copy public records of Mason Transit Authority is strongly encouraged to make the request in writing on Mason Transit Authority Authority's request form, or by letter, fax, or email addressed to the public records officer and include the following information:
 - a. Name of requestor;
 - b. Address of requestor;
 - c. Other contact information, including telephone number and any email address;
 - d. Identification of the public records adequate for the public records officer or designee to locate the records; and the date and time of day of the request.

- No fee shall be charged for the inspection of public records. If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to RCW 42.56.120, standard photocopies will be provided at fifteen cents (\$.15) each, CDROM discs and DVDs will be provided at one dollar (\$1.00) each. Postage fees shall be charged for mailing and/or delivery of records. The cost of the container used to mail/deliver documents will also be charged. A form is available use by requestors at the office of the public records officer. The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

5. Processing of Public Records Requests – General. WAC 44-14-040

- Providing "fullest assistance". Mason Transit Authority is charged by statute with adopting rules which provide for how it will "provide full access to public records", "protect records from damage or disorganization", "prevent excessive interference with other essential functions of the agency", provide "fullest assistance" to requestors, and provide the "timeliest possible action", on public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

- Acknowledging receipt of request. Within five (5) business days of receipt of the request, the public records officer will do one or more of the following:
 - a. Make the records available for inspection or copying;

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See Also: N/A

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- b. If copies are requested and payment of a deposit for copies, if any, is made or terms of payments are agreed upon, send the copies to the requestor, consistently with 44-14-070 below; or
 - c. Provide a reasonable estimate of when records will be available; or
 - d. If the request is unclear or does not sufficiently identify the requested records, request 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 the records will be available; or
 - e. Deny the request.
- Consequences of failure to respond. If Mason Transit Authority does not respond in writing with five (5) business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.
 - Protecting rights of others. In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.
 - Records exempt from disclosure. Some records are exempt from disclosure, in whole or in part. If Mason Transit Authority believes that a record is exempt from disclosure and should be withheld, 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 a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.
 - Inspection of records. Consistent with other demands, Mason Transit Authority shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy. The requestor must claim or review the assembled records within thirty (30) days of Mason Transit Authority's notification to him or her that the records are available for inspection or copying. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within

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the thirty-day period or make other arrangements, Mason Transit Authority may close the request and re-file the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

- Providing copies of records. After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.
- Providing records in installments. When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the 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 public records officer or designee may stop searching for the remaining records and close the request.
- Completion of inspection. When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that Mason Transit Authority has completed a diligent search for the requested records and made any located nonexempt records available for inspection.
- Closing withdrawn or abandoned request. When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that Mason Transit Authority has closed the request.
- Later discovered documents. If, after Mason Transit Authority has informed the requestor that it has provided all available records, Mason Transit Authority becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis. Reserved. WAC 44-14-050. Exemptions. WAC 44-14-060.

6. Electronic Records. WAC 44-14-050

- Requesting electronic records. The process for requesting electronic public records is the same as for requesting paper public records.
- Providing electronic records. When a requestor requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an

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electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record. Costs for providing electronic records are governed by WAC 44-14-07003.

- Customized access to data bases. With the consent of the requestor, the agency may provide customized access under RCW 43.105.280 if the record is not reasonably locatable or not reasonably translatable into the format requested. Mason Transit may charge a fee consistent with RCW 43.105.280 for such customized access.
 - a. The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. RCW 42.56.230 through 42.56.480 contain a large number of exemptions from public inspection and copying. RCW 42.56.070(9) specifically prohibits Mason Transit Authority from disclosing lists of individuals for commercial purposes. In addition, documents are exempt from disclosure if any “other statute” exempts or prohibits disclosure, RCW 42.56.070 (1).
 - b. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by Mason Transit Authority for inspection and copying. The list does not necessarily include all disclosure exemptions that may apply to Mason Transit Authority records.
 - c. RCW 42.56.230(2). Personal information in files maintained for employees, appointees, or elected officials to the extent disclosure would violate their right to privacy.
 - d. RCW 42.56.240(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement and penology agencies, the nondisclosure of which is essential to effective law enforcement or for the protection of any person’s right to privacy. RCW 42.56.250(1) Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.
 - e. RCW 42.56.250(2) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.
 - f. RCW 42.56.250(3) Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of employee or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone

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numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency that are held by any public agency in personnel records. RCW 42.56.250(5) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment. RCW 42.56.290 Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended are exempt, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action.

RCW 42.56.070(1); RCW 5.60.060(2) (a);
RCW 42.56.290; CR 26(b)(4) Attorney-client privileged communications and attorney work product.

RCW 4.24.550 Information on sex offenders

RCW 5.60.060 Privileged communications

RCW 5.60.070 Court-ordered mediation records

RCW 42.56.600; RCW 7.07 Mediation communications under the Uniform Mediation Act

RCW 7.69A Child victims and witnesses

RCW 9A.82.170 Financial institution records

RCW 10.27 Grand jury records/information

RCW 10.29 Special inquiry judges

RCW 10.52.100 Records identifying child victim of sexual assault

RCW 10.77.210 Records of persons committed for criminal insanity

RCW 10.97 Criminal Records Privacy Act

RCW 13.50 Juvenile records

RCW 13.60.020 Missing children information

RCW 18.04.405 Confidentiality of information gained by CPS

RCW 19.215 Disposal of personal information

RCW 26.26.041 Uniform Parentage Act

RCW 26.26.450 Confidentiality of genetic testing

RCW 26.33 Adoption records

RCW 26.44 Records of child abuse and neglect

RCW 27.53.070 Records identifying the location of archaeological sites

RCW 40.14 Preservation and destruction of public records

RCW 42.23.070 Municipal officer disclosure of confidential information prohibited

RCW 46.52 Traffic records

RCW 48.62.101 Local government insurance transactions

RCW 50.13 Employment security records

RCW 51.28.070 Worker's compensation records

RCW 51.36.060 Physician information on injured workers

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RCW 60.70.040 No duty to disclose record of common law lien
RCW 68.50.105 Autopsy reports
RCW 68.50.320 Dental identification records
RCW 42.56.360(2); RCW 70.02 Medical Records
RCW 70.05.170 Child mortality records
RCW 70.24 Public health records
RCW 70.48.100 Jail records and booking photos
RCW 70.96A.150 Alcohol and drug abuse treatment programs
RCW 71.05 Mental health records

7. 44-14-080. Review of denials of public records

- 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 e-mail) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.
- Consideration of petition for review. The public records officer shall promptly provide the petition and any other relevant information to (public records officer's supervisor or other agency official designated by the agency to conduct the review). That person will immediately consider the petition and either affirm or reverse the denial within two business days following Mason Transit's receipt of the petition, or within such other time as Mason Transit and the requestor mutually agree to.
- 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.



AUTHORIZATION TO RELEASE INFORMATION

I authorize Mason Transit to release any information pertaining to and as requested in the attached public records request

By: _____

I hereby release Mason Transit, its agents or employees, from any and all liability resulting from the release of such information. I hereby waive any claims against Mason Transit, its agents or employees, for the release of such information. My authorization and release from liability are knowing, intelligent, and voluntary acts.

Print Employee Name: _____

Employee Signature: _____

Date: _____

MASON TRANSIT AUTHORITY
REQUEST FOR PUBLIC RECORDS

Name of Requestor:		Date Requested:	
Address of Requestor:		Phone:	
		Fax:	
		Email:	
Representing (If applicable):			
Review Records Only: Yes <input type="checkbox"/> No <input type="checkbox"/>	Copy(s) Requested: Yes <input type="checkbox"/> No <input type="checkbox"/>	Charges (completed by Mason Transit Authority) Copies @ \$.15 ea.: \$ _____ Materials: TBD \$ _____ Postage: TBD \$ _____ DVD/CDROM@\$1.00 \$ _____	
Records Request: (Be as specific as possible in defining the record(s) you wish to obtain, such as dates, time, route number, subject matter.)			
I acknowledge that by releasing this record(s) to me, Mason Transit Authority does NOT thereby give me authority to use it to compile any data for commercial purposes.			
_____ Signature of Requestor			
TO BE COMPLETED BY MASON TRANSIT AUTHORITY			
Actions Taken and By Whom:			
Request Granted: Yes <input type="checkbox"/> No <input type="checkbox"/>		Request denied for the following reason(s):	
Staff person completing request:		Date sent to Public Records Officer:	
Date Public Records Officer Reviewed and Filed:		Signature of Public Records Officer:	

Forward Requests for Public Record(s) to: **Public Records Officer**
Mason Transit Authority
790 East Johns Prairie Road, Shelton, WA 98584
Email to: publicrecords@masontransit.org
Phone: (360) 426-9434