

**RESOLUTION NO. 2019-35**

**A RESOLUTION OF THE MASON TRANSIT AUTHORITY BOARD  
ADOPTING A PUBLIC RECORDS REQUEST POLICY (POL-205) WHICH  
SHALL SUPERSEDE AND REPLACE IN FULL THE PREVIOUSLY ADOPTED  
PUBLIC RECORDS REQUEST POLICY ADOPTED BY  
RESOLUTION NO. 2014-07.**

**WHEREAS**, the Mason Transit Authority Board previously adopted a public records request policy by Resolution No. 2014-07; and

**WHEREAS**, it is necessary to have the policy in MTA's current format, as well as update the policy so that it is in alignment with current federal and state laws and the Public Records Act;

**NOW THEREFORE, BE IT RESOLVED BY THE MASON TRANSIT AUTHORITY BOARD** that the Public Records Request Policy (POL-205), which is attached hereto and incorporated herein, be established and adopted; and

**BE IT FURTHER RESOLVED** that Resolution No. 2014-07 shall be rescinded and replaced by this resolution.

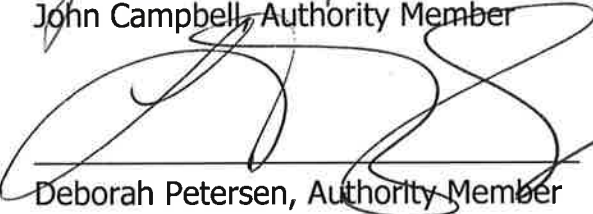
Adopted this 17<sup>th</sup> day of December, 2019.

  
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Randy Neatherlin, Chair

  
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Wes Martin, Vice-Chair


  
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John Campbell, Authority Member

  
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Kevin Dorcy, Authority Member

  
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Deborah Petersen, Authority Member


  
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Don Pogreba, Authority Member

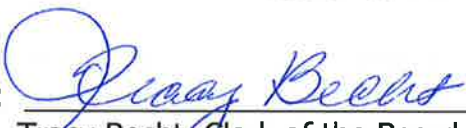

  
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Kevin Shetty, Authority Member

  
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Sandy Tarzwell, Authority Member

  
\_\_\_\_\_  
Sharon Trask, Authority Member

APPROVED AS TO CONTENT:   
\_\_\_\_\_  
Danette Brannin, General Manager

APPROVED AS TO FORM:   
\_\_\_\_\_  
Robert W. Johnson, Legal Counsel

ATTEST:  DATE:   
\_\_\_\_\_  
Tracy Becht, Clerk of the Board



<b>Title:</b>	Public Records Request Policy
<b>Number:</b>	POL-205
<b>Effective:</b>	December 17, 2019
<b> Cancels:</b>	Resolution No. 2014-07
<b>Prepared by:</b>	Tracy Becht, Public Records Officer
<b>Approved by:</b>	Authority Board Resolution No. 2019-35

## **POL-205 – PUBLIC RECORDS REQUEST POLICY**

This policy applies to all persons requesting public records from Mason Transit Authority (MTA), as well as Board members, employees and volunteers relating to Mason Transit Authority records, regardless of format and location, such as on a personal device.

### **1.0 Policy**

It is the policy of Mason Transit Authority to release records of MTA in compliance with the Public Records Act (the Act), as set forth at RCW 42.56, and any other applicable provisions of federal or state law.

The Act requires that agencies, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of the Act or other statute which exempts or prohibits disclosure of specific information or records. The Act’s exemptions are found in RCW 42.56.230-.480. Numerous other exemptions and disclosure prohibitions are contained in other state and federal statutes and may apply at the time the request is submitted to MTA.

The Act authorizes redaction of the records with exempt information and with certain identifying details to the extent required to prevent an unreasonable invasion of personal privacy interests RCW 42.56.070. The Act narrowly defines invasion of personal privacy as occurring only if disclosure of information about the person: 1. would be highly offensive to a reasonable person, and 2. is not of legitimate concern to the public. RCW 42.56.050. Washington’s Constitution, article I, section 7, protects unreasonable intrusion into a person’s private affairs.

### **2.0 Public Records Definition**

Public record is defined under the Act 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 MTA regardless of form or characteristics. RCW 42.56.010(3). Writing is defined under the Act as: handwriting, typewriting, printing, photocopying, photographing, and any 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 pictures, film and video recordings, magnetic or punched cards, disks, drums, diskettes, sound recordings, or other documents including existing data compilations from which information may be obtained or translated.



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### 3.0 Request Records

No official format is required for making a records request; however, MTA recommends that a requestor submit a request as follows

- The requester may submit a completed Public Records Request Form in person to the Administration office located at 790 East Johns Prairie Road, Shelton, WA 98584, or mail it to that same address; or
- The requester may complete and submit an on-line Public Records Request Form or complete a printed form and email it to [publicrecords@masontransit.org](mailto:publicrecords@masontransit.org).

All requests for public records must include contact information of the requester and detailed information necessary to readily identify the public records requested.

### 4.0 Response to Request

All requests will be reviewed by the Public Records Officer and legal counsel.

Within five business days of the receipt of a records request, MTA shall conduct a review of the request and respond to the requestor in writing as specified therein. If MTA anticipates being unable to conduct the review within the five-day timeframe, MTA shall respond to the requester within five business days and acknowledge receipt of the request and give a reasonable estimate of the time to conduct the initial evaluation.

MTA may notify the requestor of a delay in providing records within five days in order to:

- Clarify the intent of the request;
- Locate and assemble the information requested;
- Notify third parties or agencies affected by the request; or
- Determine whether any of the information is exempt and whether a denial should be made as to all, or part, of the request.

Upon receipt of a records request MTA shall conduct a review of the request:

- 4.1 Determine whether part or the entire request is unclear. For any part of the request that is unclear, MTA shall ask the requester to clarify what information the requester is seeking. If the requester fails to clarify the request, MTA will not respond to it. For all portions of the request that do not require clarification, MTA shall complete the steps below.
- 4.2 Determine whether the request is for an identifiable existing record. The Public Records Act does not require MTA to compile or create a new record based on a



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public record request. If a request does not identify an existing record, MTA shall so inform the requester. A request for all or substantially all records prepared, owned, used, or retained by MTA is not a valid request for identifiable records

- 4.3 Determine whether the request is for a Public Record (as defined by RCW 42.56.010(3)). If the request is not for a Public Record, MTA shall so inform the requester.
- 4.4 If the request is for an identifiable Public Record, MTA shall determine whether an exemption applies to all or part of the record. If MTA believes that a record, or a portion thereof, 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 is being withheld. If only a portion of a record is exempt from disclosure and the remainder is not exempt, the public records officer will redact the exempt portions and provide the non-exempt portions.
- 4.5 MTA need not make available for inspection and copying those public records which are specifically exempted from disclosure by provisions in Chapter 42.56 RCW or that are specifically exempted from public inspection and copying by other state or federal regulations.

Some records NOT available for public inspection and copying including, but not limited to:

Records which include:

- Personal information in files maintained for employees, appointees, or elected officials
  - Personnel Evaluations unrelated to acts of misconduct
  - Employee Health Files
- 4.6 Within five business days of receipt of a request (or within the time specified by MTA in its initial response to the requester), and after completing the above review, MTA shall respond to the requester in writing.

This response shall, as appropriate:

- Provide the record(s) for inspection.
- Acknowledge receipt of the request and providing a reasonable estimate of the time MTA will require to respond to the request to make them available for inspection or copying.
- Deny the request. If all or part of the request is denied, indicate which parts are denied and briefly state the reason(s).
- If necessary, ask for clarification of all or part of the request.



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#### 4.7 Inspection of records.

- a. Consistent with other demands, the MTA shall promptly provide space to inspect public records at MTA's business office located at 790 E Johns Prairie Rd, Shelton, WA 98584. 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 MTA to copy.
- b. The requestor must claim or review the assembled records within thirty days of MTA's notification to him or her that the records are available for inspection or copying. MTA will notify the requestor in writing of this requirement and inform the requestor that he or she should contact MTA 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 the thirty-day period or make other arrangements, MTA may close the request and refile 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.

After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying. Once copied records are produced and/or ready for production, MTA shall notify requestor of applicable fees, as set forth in Resolution No. 2017-36, as amended.

#### 5.0 Request for Records Denial

If MTA denies the request in whole or in part, the requester may submit the request again within five business days for reconsideration along with a short statement explaining why the requester believes the request should be granted. Upon request for reconsideration, the original person conducting the review and the General Manager of MTA shall review the request and, as appropriate, consult legal counsel. MTA will review and complete this process within two business days. If a records request is still considered denied, denial is considered final.

#### 6.0 Release of Records

If the request is for the inspection of records, the compiled records shall be available for inspection by appointment during normal business hours in the administrative offices. No original documents shall be removed from MTA. There is no charge to inspect





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documents. If the requester asks that copies be mailed, MTA shall notify the requester of the shipping charges and any balance owed for copying.

**7.0 Electronically Stored Data and Information**

Public records in the form of information or data which is electronically stored (on the memory of a computer, a diskette, a magnetic tape, a compact disk, or in other similar ways) shall be subject to public inspection and copying in the same manner as for requesting paper public 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 electronic format that is generally available. If MTA does not have a scanner readily available, then MTA can provide a paper copy.

**8.0 Release of Payroll Information**

The release of payroll information will exclude: address or phone number, social security number, voluntary deductions, marital status or dependents, and garnishment deductions.

**9.0 Prohibition on Requests for Commercial Uses**

This policy shall not be construed as giving authority to MTA to give, sell, or provide access to lists of individuals requested for commercial purposes, and MTA shall not do so unless specifically authorized or directed by law.

**10.0 Records as Public Property**

All public records are and shall remain the property of MTA. Outgoing officials and employees shall deliver such records to their successors. Public records are preserved, stored, transferred, destroyed, and otherwise managed only in accordance with this policy and applicable state law.

**11.0 Index of Public Records**

Pursuant to RCW 42.56.070(4) MTA need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

- a. Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with MTA operations; and
- b. Make available for public inspection and copying all indexes maintained for MTA use.



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## **12.0 Prohibitions and Exemptions**

The Public Records Act, Chapter 42.56 RCW, provides that a number of document types and information are prohibited from being disclosed or are exempt from public inspection and copying. A current list of these prohibitions and exemptions will be provided upon request of the Public Records Officer.

## **13.0 Protection of Records**

If a records request is made at a time when such public records exist but are scheduled for destruction in the near future, MTA shall retain possession of the records, and shall not destroy or erase the records until the request is resolved, except as noted below.

Nothing in this policy prevents MTA from destroying information related to employee misconduct or alleged misconduct as authorized by the Local Government Common Records Retention Schedule, Washington State Archives, and Office of the Secretary of State, as presently constituted or hereafter amended.

MTA shall comply with state and federal laws affecting the maintenance and preservation of MTA records, including but not limited to the guidelines promulgated by the Secretary of the State Division of Archives and Records Management.

## **14.0 Disclaimer of Liability**

Neither MTA nor any officer, employee, official or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon a release of public records if the person releasing the records acted in good faith in attempting to comply with this policy. This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law.

## **15.0 Notification to Affected Persons**

MTA may notify an individual that release of a record has been requested that pertains to the individual. MTA, or a person to whom the record applies, may ask a court to prevent an inspection of the record. If a court order preventing disclosure is sought, the records request is on hold until further order of the court per RCW 42.56.540.