

**RESOLUTION NO. 2023-11**

**A RESOLUTION OF THE CITY OF LAKE STEVENS, WASHINGTON, RELATING TO COMPLIANCE WITH THE PUBLIC RECORDS ACT, RCW 42.56, INCORPORATING UPDATED RULES TO THE POLICY, AND ORDERING PUBLICATION OF THIS RESOLUTION AND THE PUBLIC RECORDS ACT RULES, REPEALING RESOLUTION 2018-003.**

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**WHEREAS**, Sections 42.56.040 and 42.56.100 of the Revised Code of Washington (RCW) requires the City to make nonexempt public records available for inspection and copying; and

**WHEREAS**, the aforementioned RCW requires the City to establish and publish rules to facilitate disclosure of public records; and

**WHEREAS**, the City last updated the rules and procedures in 2018 through Resolution 2018-003; and

**WHEREAS**, the City wishes to update its public records policy to comply with recent procedures including the use of the online records portal; and

**WHEREAS**, in order to incorporate these changes into the City's existing rules relating to the Public Records Act, the existing Resolution 2018-003 must be repealed and replaced;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE STEVENS, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

**Section 1.** Resolution 2018-003 is hereby repealed and is of no force and effect.

**Section 2.** The Public Records Rules attached as Attachment A are hereby adopted as the rules the City will follow in handling public records requests.

**Section 3.** The City's Public Records Officer is hereby directed to publish this Resolution and the availability of these Rules, post and maintain the Rules on the City's website and make them available for inspection and copying at the City Clerk's Office.

**Section 4.** This resolution shall take effect and be in full force upon passage and signature hereon.

PASSED by the City Council of the City of Lake Stevens this 18<sup>th</sup> day of July, 2023.



Brett Gailey, Mayor

ATTEST:

By:   
Kelly M. Chelin, City Clerk

# 200 – PUBLIC RECORDS ACT POLICY



<b>APPLIES TO:</b>	All City	<b>POLICY OWNER:</b>	City Clerk
<b>APPROVED BY:</b>	Click or tap here to enter text.	<b>TITLE:</b>	Public Records Act Policy
<b>EFFECTIVE DATE:</b>	7/18/2023		

## 200.1. PURPOSE AND SCOPE

The City is required by the Public Records Act (“PRA” or the “Act”), Chapter 42.56 RCW, to adopt and enforce reasonable rules and regulations to provide full public access to Public Records. This policy complies with the requirements of the PRA by providing for straight-forward, predictable practices for responding to and fulfilling requests for disclosure of Public Records in a manner consistent with the PRA.

This policy includes both statutory requirements and best practices. Except where these provisions are mandated by statute, any duties identified in this policy are discretionary and advisory only and shall not impose any affirmative duty on the City. The City reserves the right to apply, interpret, modify, or suspend this policy at any time.

This policy shall be available at City hall, the police department and posted on the City’s website.

## 200.2. POLICY

It is the policy of the City of Lake Stevens, (the “City”) to release records of the City in compliance with the Public Records Act and any other applicable provisions of federal or state law.

### 1. Public Records Request

- a) Public Records Officer - The City Clerk shall serve as the Public Records Officer (“PRO”) of the City of Lake Stevens. All requests must be facilitated by the PRO unless the PRO has delegated the request to a specific staff member. Individuals submitting PRA requests (“Requestors”) may contact the PRO, via first class mail addressed to the PRO at City Hall, by phone at (425) 622-9400, by fax at (425) 622-9397, via email at [deputyclerk@lakestevenswa.gov](mailto:deputyclerk@lakestevenswa.gov), or preferably via the Public Records Portal on the City of Lake Stevens website at [www.lakestevenswa.gov](http://www.lakestevenswa.gov).

- b) The Public Records Officer shall:
  - i) Be responsible for implementing the City’s process regarding disclosure of Public Records;
  - ii) Serve as the principal contact point with any Requestor who has made a records request to the City, unless the PRO has delegated these responsibilities to a specific staff member;
  - iii) Coordinate City staff in this regard, generally ensuring the compliance of the staff with Public Records disclosure requirements;
  - iv) Make the final decision in cooperation with a legal advisor regarding disclosure and application of exemptions;
  - v) Maintain the agency’s indices, if any;
  - vi) Maintain a log of Public Records requests; and
  - vii) Undergo training required of Public Records Officers by Washington State law. (RCW 42.56.152)

## **2. How to Make a PRA Request**

- a) Public Records may be inspected, or copies of Public Records may be obtained by the public at the City Hall or the Police Department upon compliance with the following procedures:
  - i) All requests must be facilitated by the Public Records Officer. The City encourages that all requests be made through the online [records portal](#) located on the City website. Additionally, requests may be mailed, emailed, faxed, or delivered in person to City Hall or the Police Department. In-person requests must be made during regular business hours. The request should include the following information:
    - (1) An indication that the request is being made for access to a Public Record pursuant to the PRA;
    - (2) The Requestor’s name, address, and convenient means of contact, such as email address, phone number, etc.;
    - (3) The date of the request;
    - (4) A description of the Public Record requested that includes sufficient details to allow the City to identify responsive records;
    - (5) Whether the Requestor wants to inspect records or wants copies. If the Requestor wants copies, the Requestor should indicate if they want the copies mailed, emailed, or if they want to pick them up;
    - (6) Requests for body worn camera recordings must contain the following:
      - (a) Specifically identify a name of a person or persons involved in the incident;
      - (b) Provide the incident or case number;
      - (c) Provide the date, time, and location of the incident or incidents; or

- (d) Identify a law enforcement or corrections officer involved in the incident or incidents.

If the Requestor requests waiver of costs for redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of a body worn camera record pursuant to RCW 42.56.240(14)(e), the Requestor must identify him/herself.

- ii) The Washington Courts have recognized that oral requests for Public Records can be problematic and therefore Requestors are strongly encouraged to make written requests using the Records Portal. When a records request is made orally, the PRO shall document the request by creating a request in the online Records Portal and if an email address is provided a confirmation will be sent to the Requestor. Any oral request must be made during regular business hours.
- iii) It is the Requestor's obligation to provide the City with fair notice that a PRA request has been made.

### **3. Procedure for Response to Request**

- a) **Initial Five-Day Response.** The City shall respond promptly to PRA requests. Within five (5) business days of receiving a Records Request, the City shall acknowledge receipt of the request and take one or more of the following actions:
  - i) Provide the records or provide notice that the records are available. If the record requested is available on the City's website, the response may include a specific link to the document;
  - ii) Seek clarification or refinement of the request if needed to identify the record requested and provide to the greatest extent possible a reasonable estimate of the time the agency will require to respond to the request if the request is not clarified. When clarification or refinement is sought, the City will provide a reasonable estimate of the time the City will require to respond to the request if it is not clarified;
  - iii) Indicate that the City does not have any responsive records;
  - iv) Indicate that any responsive records are exempt from disclosure and provide an exemption log of the withheld records; or
  - v) Provide a reasonable estimate of when the request can be fulfilled. For large requests that will be filled in installments, the response will also indicate when the first installment will be made. When providing a reasonable estimate of time required to fulfill a Public Records request, the PRO may take into account the time required to refine or clarify a request, locate or retrieve requested records, redact or withhold exempt records and create associated documentation, consult with appropriate staff or legal advisor regarding potential exemptions, and notify third parties or other agencies

of requests for records of a sensitive nature consistent with the provisions of RCW 42.56.540.

vi) Deny the request, if authorized by the PRA.

Note that in calculating five (5) business days, the following are not counted: The day the agency receives the request, Saturdays, Sundays and holidays.

- b) **Large Requests.** When receiving a request that appears to be broad in nature, the Public Records Officer may request clarification from the Requestor to ensure that the appropriate records are identified and to determine if the request can be narrowed. Clarification shall focus on information needed to identify responsive records. Any information provided about the purpose of the request shall not be used as a basis for denying the request.

When appropriate, as part of the clarification process, the PRO may work with the Requestor to find ways to narrow the request. When a Requestor agrees to narrow a request, nothing prevents the Requestor from later expanding the request back to its original scope.

When a records request is for a large volume of records, the City may elect to provide records on an installment basis. If a Requestor does not review, claim, or pay for the records requested within thirty (30) days of being made available, the City may deem the request abandoned and stop fulfilling the remainder of the request. *See* Section 7(e) of this Policy.

- c) **Requests for “All Records.”** A Public Records request must be for identifiable records. A request for all or substantially all City records is not a valid request for identifiable records.
- d) **Requests for List of Names.** The PRA prohibits the City from producing a list of names to a Requestor who intends to use the list for commercial purposes. When a Requestor requests a list of names, the Requestor must explain the intended use of the list and will be asked to sign a declaration providing that the list will not be used for commercial purposes. The PRO must conduct research to confirm that the request is not for commercial purposes.
- e) **Bot Requests.** The City may deny a Bot Request that is one of multiple requests from the Requestor to the City within a twenty-four (24) hour period if it is established that responding to the request would cause excessive interference with other essential functions. “Bot request” means a request for Public Records that an agency reasonably believes was automatically generated by a computer program or script.

- f) **Multiple Requests by the same party.** When the same requestor simultaneously submits separate requests or makes one or more additional requests when previous are open, staff may queue the requests in the order in which they are received. Staff is not required to work on additional requests until the initial requests are completed and closed. Requestors are responsible for informing the Public Records Officer if they want to reprioritize the fulfillment of their requests.
  
- g) **Notice to Third Parties.** If a Public Record contains personal information that identifies an individual or organization other than the subject of the requested Public Record, the City may notify that individual or organization to allow the third party to seek relief pursuant to RCW 42.56.540. If the City intends on issuing notice, pursuant to RCW 42.563.540, the PRO and/or the City's legal counsel should be consulted. The City may take this into account when providing an estimate for when the records will be available. The City should also review any contracts with third parties that may contain special notice provisions. Nothing in this policy is intended to create any right to such notice.

If a request seeks information located exclusively in an employee's personnel, payroll, supervisor, or training file, the City must provide notice to the employee, to any union representing the employee, and to the Requestor. The notice must state:

- i) The date of the request;
  - ii) The nature of the requested record relating to the employee;
  - iii) That the City will release any information in the record not exempt from disclosure at least ten days from the date the notice is made; and
  - iv) That the employee may seek to enjoin release of the records under RCW 42.56.540.
- h) **Creating Records.** A PRA request only applies to records that exist at the time of the request. The PRA does not apply to requests for information or require the City to create a new record. Requestors cannot make "standing" PRA requests.

A request for information, contained in electronic databases, may be considered a valid request for records, if the information can be reasonably extracted to produce a record that is fully or partially responsive to the request.

- i) **Later discovered documents.** If, after the PRO has informed the Requestor that they have provided all available records, the PRO becomes aware of additional responsive documents existing at the time of the request that had not been provided previously, they will promptly inform the Requestor of the additional documents and provide them on an expedited basis.

- j) **Requests for Metadata.** Occasionally, a PRA request will specifically include a request metadata associated with Public Records. In such case, the PRO and staff shall work with City IT to identify, gather, and produce the requested metadata.

#### 4. City Actions After a Request is Received

- a) **Order of Response.** Fulfillment of requests shall be processed in the order that provides the timeliest response. Requests may be fulfilled in the order of receipt as long as easily fulfilled requests are not postponed behind larger or more complicated requests strictly because they were received later.
- b) **Locating Responsive Records.** After receiving a request, the PRO shall identify locations and City Departments where records are reasonably likely to be located. The PRO will then notify the appropriate department heads and other City staff of the request and inform them of the need to retain all potentially responsive records. The PRO will then coordinate with the department heads and other City staff to respond to the request, as needed.

City staff and officials will be prompt in searching for responsive records and providing them to the PRO in accordance with the timeline established by the PRO and providing documentation of their search efforts. If City employees or officials are using home computers, personal devices, or personal accounts to conduct City business, those devices and accounts also need to be searched by the employees or officials who are using them when those devices and accounts are reasonably likely to contain responsive records. If the City's contractors performing City work have responsive Public Records as a consequence of the contract, they should also be notified of the records request. If department heads or other staff cannot provide the records by the date established by the PRO, a reasonable estimate of how long it will take to provide the records must be provided.

- c) **Identifying Potentially Exempt Records.** The PRO is responsible for identifying records that are potentially exempt or contain potentially exempt information for all departments. The PRO or department designee may work with a legal advisor to determine if any exemption applies.

#### 5. Exemptions

- a) **Exemptions.** The PRA and other statutes exempt from or prohibit disclosure of certain Public Records. It is the policy of the City to provide prompt and helpful access to all Public Records in the City's custody that are not exempt or prohibited from disclosure. Requested records may only be withheld or redacted consistent with the law, which shall be documented for the Requestor in accordance with the requirements of RCW 42.56.210.

Some Public Records that are otherwise subject to disclosure may contain specific content that is exempt from disclosure. The presence of exempt information does not necessarily exempt an entire record from disclosure. Exempt portions of an otherwise disclosable record shall be



redacted prior to inspection or copying, and such redactions shall be documented. The Requestor shall be notified of the redaction in accordance with the requirements of RCW 42.56.210.

Appendix A contains a list of common statutory exemptions and prohibitions that are not included in RCW Chapter 42.56. However, note that this list is not exhaustive. Any questions about exemptions should be directed to the PRA and/or the City's legal counsel. The City reserves the right to assert any exemptions permitted by law when the City determines non-disclosure serves the public interest and is not limited to the exemptions listed in Appendix A.

- b) **Withholding Logs and Redaction Logs.** When records are withheld or redacted, the Requestor shall be informed in writing the statutory citation for the exemption and a brief explanation of how the exemption applies. For withheld records, the City will also provide basic identifying information for each withheld record including the type of record, the date the record was created, the author, and recipients, if any.

## 6. Charges for Copying Public Records

- a) The fees set forth in this section are default fees set pursuant to RCW 42.56.120. The City finds that calculating the actual cost of providing Public Records would be unduly burdensome given the limited staff resources and funding to dedicate to a comprehensive study to determine actual copying costs and that conducting such a study would interfere with the City's other essential agency functions.
  - i) No fee shall be charged for the inspection of Public Records.
  - ii) No fee shall be charged for a records request that would not exceed a total cost of \$1.00.
- b) **Copies.** (See current City Fee Schedule).
  - i) A customized service charge if the City estimates that the request would require the use of information technology expertise to prepare data compilations or provide customized electronic access services when such compilations or customized access services are not used for any other City purposes. The customized service charge may reimburse the City up to the actual cost of providing the services; and
  - ii) Redaction costs for the production of body worn camera recordings, including the actual cost of redaction software technology and the PRO's time spent on redaction of the records. However, such time spent shall not count towards the City's allocation of, or limitation on, time or costs spent responding to public records requests, as established pursuant to any local ordinance, policy, procedure, or state law.

- c) **Deposits.** Before copying any record, the City may require a deposit up to 10% of the estimated costs. When records are being produced on an installment basis, the City may charge for each installment. The decision not to request a deposit shall not serve to waive the City's right to request a deposit for future requests. If an installment is not claimed and paid for within thirty (30) days of having been notified the records are available or if the Requestor has not contacted the PRO within this thirty (30) day period to make arrangements to pay for the records outside of this thirty (30) day period, the City is not obligated to fulfill the balance of the records request.
- d) **Copies of Electronic Records.** Records available in electronic format that do not require redaction may be provided in native format unless the Requestor specifically asks that they be provided in paper or other form. Electronic records that require redaction usually cannot be produced in a native format and will be converted to paper or PDF. When requested and deemed feasible, electronic records may be converted from one format to another provided such conversion is not unduly burdensome,

## 7. Providing Copies or Inspection of Records

- a) **Notice.** Once the PRO has collected all responsive records (or the first installment if the records are being produced on an installment basis), has reviewed the responsive records to remove exempt records, and has prepared an exemption log, the PRO shall notify the Requestor that the records are available.
- b) **Response by Requestor.** If the Requestor does not contact the PRO to arrange for payment of the copies or for review of the records within thirty (30) days after the date of the notice, the City may consider the Records Request abandoned and close the request, unless the Requestor seeks
  - c) an additional amount of time within thirty (30) days to review the records. *See* Section 7(e) (Closing the File).
- d) **Protection of Records.** In order for Public Records to be protected from damage or disorganization as required by the Act, the following procedures and practices are hereby instituted:
  - i) No Public Records shall be removed from City Hall without the PRO's permission;
  - ii) Inspection of any Public Records shall be conducted in the presence of the PRO or designated staff;
  - iii) No Public Record may be marked, defaced, torn, damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public;
  - iv) Public Records maintained in a file jacket or binders, or in chronological order, may not be dismantled except for the purpose of copying, and then only by City staff; and

v) Public Records of the City may be copied only on the copying machines of the City unless other arrangements are made by the PRO.

e) **Loss of Right to Inspect.** Inspection shall be denied and the records withdrawn by the PRO if the Requestor, when reviewing records, acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of the City.

f) **Closing the File.** Once all copies of requested records have been provided to the Requestor, the Requestor has inspected the requested records, or thirty (30) days have passed since the Requestor was notified that the records were available and the Requestor has failed to claim, review, or pay for the records, the PRO shall close the request. Upon closing the request, the PRO should provide a closing letter stating the scope of the request and memorializing the outcome of the request.

**8. Administrative Review of Denial.** A Requestor may ask for review of a decision to withhold or redact exempt records by submitting a written petition to the PRO that includes a copy of the redaction or exemption log or detailed description of the City's statement of withholding. The request for review and any relevant information shall be forwarded immediately to the City's Public Records Attorney, who shall consider the petition and either reverse or affirm the denial within two days of the City's receipt of the petition.

The City and the Requestor may mutually agree to a longer period of time for consideration of a petition for review. If the withholding or redaction is affirmed, the decision shall be considered the City's final action for the purposes of judicial review. If the decision to withhold or redact is reversed, the PRO shall proceed to make the subject records available to the Requestor for inspection in accordance with the provisions of this policy and procedure.

**9. Index of Public Records.** For the reasons stated in Resolution 2004-16, incorporated herein by reference, the City finds that it would be unduly burdensome and would interfere with City operations to maintain an index of records. The City will make available for public disclosure all indices which may at a future time be developed for City use.

**10. Disclaimer of Liability.** Neither the City 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. Despite the use of any mandatory terms such as "shall," nothing in this policy is intended to impose mandatory duties on the City beyond those imposed by state and federal law.

## Appendix A

See the [Attorney General's Sunshine Committee](#) webpage for the most up-to-date list of public disclosure exemptions. It is created annually by the Code Reviser's Office.

### Washington State Statutes

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; 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
RCW 10.52.100	Records identifying child victim of sexual assault
RCW 10.77.210	Records of persons committed for criminal insanity
RCW 10.97.040	Criminal history information released must include disposition, with some exceptions
RCW 10.97.050	Conviction and criminal history information
RCW 10.97.060	Deletion of certain criminal history record information, conditions
RCW 10.97.070	Disclosure of identity of suspect to victim
RCW 10.97.080	Inspection of criminal record by subject
RCW 10.97.130	Information about victims of sexual assault under age eighteen
RCW 10.101.020(3)	Information given by an accused regarding determination for indigent defense
RCW 13.34.115	Court dependency proceedings
RCW 13.40.217	Juveniles adjudicated of sex offenses – release of information
RCW 13.50.010	Maintenance of and access to juvenile records
RCW 13.50.050	Juvenile offender records
RCW 13.50.100	Juvenile/children records not relating to offenses
RCW 13.60.020	Missing children or endangered person information
RCW 18.04.405	Confidentiality of information gained by CPA
RCW 18.19.060	Notification to clients by counselors
RCW 18.19.180	Confidential communications with counselors

RCW 19.215.020	Destruction of personal health and financial information
RCW 19.34.240(3)	Private digital signature keys
RCW 19.215.030	Compliance with federal rules
RCW 26.04.175	Name and address of domestic violence victim in marriage records
RCW 26.12.170	Reports of child abuse/neglect with courts
RCW 26.23.050	Child support orders
RCW 26.23.120	Child support records
RCW 26.26.041	Uniform Parentage Act – protection of participants
RCW 26.26.450	Confidentiality of genetic testing
RCW 26.33.330	Sealed court adoption records
RCW 26.33.340	Agency adoption records
RCW 26.33.343	Access to adoption records by confidential intermediary
RCW 26.33.380	Adoption – identity of birth parents confidential
RCW 26.44.010	Privacy of reports on child abuse and neglect
RCW 26.44.031	Information related to reports of child abuse or neglect
RCW 26.44.125	Reports, reviews and hearings related to a review of abuse finding
RCW 27.53.070	Records identifying the location of archaeological sites
RCW 29A.08.720	Voter registration records – place of registration and any decision not to register to vote confidential
RCW 29A.08.710	Voter registration records – certain information exempt
RCW 35.102.145	Municipal business and occupation tax – local ordinance can protect return or tax information
RCW 36.28A.060(8)	Tactical and intelligence information provided to WASPC
RCW 39.10.470(2)	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(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

### **Selected Federal Confidentiality Statutes and Rules**

18 USC § 2721 - 2725	Driver and License Plate Information
18 USC § 923(g); Public Law 112-55, div. B, title II, 125 STAT. 609	Firearms trace data provided to local law enforcement by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
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

42 USC § 5106a	Grants to States for Child Abuse and Neglect Prevention and Treatment Programs
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
46 CFR 40.321	USCG regulations regarding confidentiality

### **200.3. TERMS AND DEFINITIONS**

#### **1. Incorporation of Definitions**

This policy incorporates the definitions in RCW 42.56.010 and any relevant definitions in RCW 42.17A.005.

#### **2. Additional Definitions**

- a) “Act” refers to the Public Records Act, at Chapter 42.56 RCW.
- b) “Bot Request” means a request for Public Records that the City reasonably believes was automatically generated by a computer program or script.
- c) “City” refers to the City of Lake Stevens.
- d) “Exemption” refers to any statute that allows or requires the City to withhold information or records in response to a PRA request.
- e) “Policy” refers to this policy for the Public Records Act.

- f) "Public Record" means 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 the City regardless of physical form or characteristics. Records created or received by employees using privately owned devices only qualify as Public Records if the employee was acting within the scope of employment when the record was created or received, or when the record is subsequently used for a City purpose.
- g) "Public Records Officer" or PRO is the person identified in Section 249.2.1 of this Policy.
- h) "PRA Request" means a request for Public Records made to the City pursuant to the Act.
- i) "Requestor" means the person or entity that has made a Records Request to the City.
- j) "Withholding" means non-disclosure of exempt records, either all or in part.
- k) "Records Portal" means the Public Records portal located on the City of Lake Stevens website where a citizen may create a secure account within which records may be requested, received, and all communications can occur.

**200.4. RELATED DOCUMENTS OR FORMS**

[Link to Fee Schedule](#)