



## PUBLIC RECORDS DISCLOSURE POLICY

The Spokane Regional Clean Air Agency (SRCAA) is the local air pollution control authority for Spokane County that enforces federal, state and local regulations to reduce air pollution. SRCAA is committed to providing full access to public records in accordance with the Washington State Public Records Act, Chapter 42.56 RCW. SRCAA's Public Records Disclosure Policy establishes the process SRCAA will follow to provide for the fullest assistance to requestors including the timeliest possible action on requests, while protecting public records from damage and preventing excessive interference with other essential agency functions (RCW 42.56.100).

### How to Make a Request for Public Record

The public is encouraged to view information / public records available on the website, [www.spokanecleanair.org](http://www.spokanecleanair.org), before submitting a Public Record Request form.

A Request for Public Record may be made by submitting a completed Public Records Request form to SRCAA's Public Records Officer via mail, email or fax [RCW 42.56.080(2)]. A requestor is not required to use this form. Requests for public records made orally in person or by telephone, the Public Records Officer or designee will confirm receipt of and the substance of the request in writing to the requester. Each request should include the following information:

1. Name, mailing address, e-mail address, and daytime phone number of the person making the request;
2. Date of the request;
3. Nature of the request, specifically identifying the public records being requested;
4. Whether the requestor desires paper copies or electronic copies; or to inspect the requested records at no cost;
5. The amount the requestor is willing to pay for copies; and
6. If the records are a list of individuals, a statement regarding whether the records are for commercial purposes [RCW 42.56.070(8)].

Under the Washington State Public Records Act, the request must be for identifiable records [RCW 42.56.080(1)]. SRCAA is not required to answer questions, conduct legal research, create new public records, or provide information in a format that is different from an existing public record.

The Public Records Act prohibits the use of lists of individuals for commercial purposes [RCW 42.56.070(8)]. “Commercial purposes” means that the person requesting the record intends that the list will be used to communicate with the individuals named in the record for the purpose of facilitating profit-expecting activity. If a list is requested, SRCAA will investigate and learn more about the requestor’s purpose, a completed Commercial Purpose Declaration form must be submitted to SRCAA for review.

SRCAA encourages as much detail as possible in the request to enable the staff to more efficiently locate and provide responsive records. Please send a completed Public Records Request form to the Public Records Officer, by fax, email or mail:

Public Records Officer  
Spokane Regional Clean Air Agency  
3104 E. Augusta Ave., Spokane, WA 99207  
Fax: (509) 477-6828  
Email: [publicinfo@spokanecleanair.org](mailto:publicinfo@spokanecleanair.org)  
Phone: (509) 477-4727

A request for a public record is a public record itself and is subject to disclosure under the Public Records Act. SRCAA maintains a log of public records requests [RCW 40.14.026(4)] that includes the identity of the requestor, the date the request was received, a summary of the text of the original request, a description of the records produced, a description of the records redacted or withheld and the reasons therefor, and the date of the final disposition of the request [RCW 40.14.026(4)]. This log is also subject to disclosure under the Act.

## **How SRCAA Responds to a Request for Public Record**

SRCAA places a high priority on responding to public records requests in a timely manner. SRCAA will process received public record requests in the order that allows all requests to be processed in the most efficient manner. SRCAA will respond in some manner within five (5) business days following the receipt of a request. Five (5) business days is computed by excluding the first day, and including the last, excluding holidays, Saturday and Sunday (RCW 1.12.040). SRCAA’s response will be one or more of the following [RCW 42.56.520(1)]:

- Make requested records available for inspection or copying,
- Provide an internet address and link to the Agency’s website that contains the specific requested records,

- Acknowledge receipt of the request and provide a reasonable estimate of when requested records will be available,
- Seek clarification of an unclear request and provide a reasonable estimate of time for responding, or
- Deny a request and cite the legal exemption(s) supporting the denial.

SRCAA may deny a bot request that is one of multiple requests from the requestor within a twenty-four (24) hour period, if SRCAA establishes that responding to the multiple requests would cause excessive interference with other essential functions of the agency. A “bot request” means a request for public records that an agency reasonably believes was automatically generated by a computer program or script [RCW 42.56.080(3)].

If SRCAA does not respond in writing within five (5) business days of receipt of the request, the requester should consider contacting the Public Records Officer to determine why a response was not received.

SRCAA may need additional time to fulfill a records request including, but not limited to the following reasons [RCW 42.56.520(2)]:

- Clarify a request,
- Locate and assemble records responsive to a request; when the request is for a large number of records, SRCAA may produce records in an installment basis [RCW 42.56.080(2)],
- Notify third persons or agencies affected by a request and provide them with the opportunity to seek a court order preventing disclosure where appropriate, or
- Determine whether a record is exempt from disclosure.

The requestor must clarify the request within thirty (30) days of SRCAA’s notification to the requestor that the request was unclear. If requestor fails to clarify the request within the thirty (30) day period, SRCAA will close the request.

If additional time is needed, SRCAA will promptly communicate with a requestor when SRCAA determines its original estimate for providing the records needs to be adjusted.

## **Responsive Records**

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 [RCW 42.56.080(2)].

SRCAA will notify the requestor that responsive records or an installment of responsive records is ready for inspection or receipt.

SRCAA will provide space for the requester to inspect the responsive paper records. No member of the public may remove a document from the viewing area or disassemble, alter, or destroy any document [RCW 40.16.010 and 40.16.020]. The requestor must indicate which documents SRCAA is to make copies of using a nonpermanent method such as removable adhesive notes (sticky notes) or paper clips. The requestor must pay for the copies prior to receiving the copies. See RCW 42.56.120 for costs.

Responsive electronic records will be provided for inspection in an electronic format that is used by SRCAA and is generally commercially available, or in a format that is reasonably translated from the format in which SRCAA keeps the public records.

Responsive electronic records may be emailed or provided on a storage device (thumb drive, DVD, etc.). If the requestor would like metadata for electronic records, that must be stated in the request. The requestor must pay for the costs of electronic records prior to receiving electronic records. See RCW42.56.120 for costs.

- For requests which have a low volume of responsive electronic records, the records may be sent through email as an attachment. Based on the attachment size limits, the file size limit is currently 20 mb. Thus, if the responsive records exceed the size limit, they will not be emailed. Installments will be compiled to provide the maximum number of records to the requestor in each installment and will not be divided to comply with files size limits. If there is a charge for producing these records, payment must be received prior to emailing responsive records.
- Installments which have a volume of responsive electronic records that exceeds the file size limit will be delivered via CD/DVD or USB memory device or may be provided as paper copies. CDs/DVDs or USB devices can be either picked up in person or sent via U.S. mail. If a requestor elects to have CDs/DVDs or USB devices mailed to them, the requestor must provide SRCAA with a mailing address. Fees will be assessed as provided on page 5. Fees must be paid for prior to mailing the storage devices.

The requestor must claim or review the records or the installment (RCW 42.56.120) within thirty (30) days. If the requestor fails to claim or review the records or an installment after thirty (30) days, SRCAA will close the request and refile the assembled records. Other public records requests will 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.

If a requester wishes to have copies of records made instead of inspecting them, they should indicate so on the Public Records Request form and must make arrangements to pay for copies, prior to SRCAA making copies of the records. SRCAA will provide copies of responsive records in a format that is most efficient for the agency to process the request.

When the inspection of responsive records is complete and all requested copies are paid for and provided, the Public Records Officer or designee will indicate that SRCAA has completed a reasonable search for the requested records, any located records were available for inspection or copying, exempt

portions of records were identified on an exemption log, and close the request and refile assembled records.

When a requestor withdraws the request, or fails to:

- clarify an unclear request,
- inspect the records,
- pay the deposit,
- pay the required fees for an installment,
- pay for requested copies, storage device (CD, DVD, USB storage device), and mailing costs,

The Public Records Officer or designee will close the request and, unless SRCAA has already indicated in previous correspondence that the request would be closed under the above circumstances, indicate to the requestor that SRCAA has closed the request [RCW 42.56.120 and 42.56.520(3)(b)].

If a request for public record is denied, SRCAA will provide a written statement specifying the reason(s) for denial, including the legal exemption being relied upon and how it applies to the record being withheld [RCW 42.56.520(4)].

If, after SRCAA has informed a requestor that it has provided all available records, SRCAA becomes aware of additional responsive documents which existing when the request was received, SRCAA will promptly inform the requestor of the additional documents.

If you have any questions regarding a pending request, contact the Public Records Officer at (509) 477-4727.

## **How Much Does It Cost to Review Public Records**

There is no fee for the inspection of responsive records [RCW 42.56.120(1)]. SRCAA provides space for requesters to view responsive records at SRCAA's office during regular office hours (RCW 42.56.090), at a time and date mutually convenient to SRCAA and the requester. SRCAA is located at 3104 E. Augusta Ave., Spokane, Washington, 99207. Agency office hours are Monday-Friday, 8:00 a.m. - 4:30 p.m. SRCAA is closed on weekends and for holidays

There is no fee for SRCAA's time spent locating records or for preparing records for inspection or copying.

SRCAA finds that calculating actual costs for copying its records would be unduly burdensome, because of the small size of the agency [RCW 42.56.120(2)(b)]. Therefore, SRCAA uses the state legislature's approved fees and costs for copies of records as provided in RCW 42.56.120.

SRCAA may require a deposit of up to 10% of the estimated cost of providing copies for a request [RCW 42.56.120(4)], prior to fulfilling the request. If a deposit is required, SRCAA will notify the requester of the necessity of the deposit. In the event the actual costs for copies of paper or electronic record are less than the amount deposited by the requester, SRCAA will return the sum in excess of the actual costs to the requester. If the actual costs for copies are more than the deposit amount, payment is required before receipt of the records.

Payment for copies of responsive records is required in advance or at the time the requestor receives the records. If records are produced in installments, SRCAA will require payment for an installment before remaining installments are made available to a requester. Payment can be made with cash, check, money order or credit card.

## **How are Public Records Organized**

SRCAA maintains its records in a reasonably organized manner and takes reasonable actions to protect records from disorganization and damage. SRCAA finds that maintaining an index, as provided in RCW 42.56.070, for use by the public would be unduly burdensome and would interfere with SRCAA operations given the small size of the agency and the high volume and types of public records generated and received.

## **Exempt Public Records**

The Public Records Act, and other state laws, provide that some records are exempt in whole or in part from public inspection and copying. In addition to the list of exemptions in RCW 42.56.050, RCW 42.56.210 through RCW 42.56.400, and WAC 44-14-060, common exemptions include:

- Confidential business information. The owner or operator of a source may certify that a record or information provided to SRCAA is confidential because it relates to a process or production unique to the owner or operator or is likely to affect adversely the competitive position if released. Emission and ambient air quality data are excluded from any confidential claim. (RCW 70.94.205).
- Attorney-client communications. Communication between an attorney, who is acting as counsel or advisor, and SRCAA staff or the Board of Directors is confidential unless a member of the public is copied on that communication [RCW 5.60.060(2)(a)].
- Preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended are exempt, except that a specific record is not exempt when publicly cited by agency in connection to agency action (RCW 42.56.280).

- Lists of individuals for commercial purpose. Washington State law [RCW 42.56.070(8)], prohibits the use of lists of individuals for commercial purposes. “Commercial purposes” means that the person requesting the record intends that the list will be used to communicate with the individuals named in the record for the purpose of facilitating profit-expecting activity.

Lists of laws containing exemptions:

- Municipal Research Service Center, <http://mrsc.org/getmedia/796a2402-9ad4-4bde-a221-0d6814ef6edc/Public-Records-Act.pdf.aspx?ext=.pdf> (Appendix C to Public Records Act for Washington Cities and Counties, MRSC, Revised, March 2019).
- Washington Attorney General’s Office, <http://www.atg.wa.gov>.

For records or portions of records that are withheld, the Public Records Officer or designee will document the applicable exemption and provide a brief written explanation as to why the record or portion of the record is being withheld [RCW 42.56.520(4)].

In the event that the requested public records contain information that may affect rights of others and may be exempt from disclosure, the Public Records Officer may, prior to providing the public records, give notice to such others whose rights may be affected by the disclosure [RCW 42.56.520(2)].

## **Records Retention**

SRCAA follows the retention schedules provided by the Washington State Archives (Chapter 40.14 RCW). SRCAA will not send a record to archives or destroy a record, even if it is about to be lawfully sent to archives or destroyed under a retention schedule, if a records request has been made for that record. Upon closure of the records request, SRCAA will process the records according to the retention schedule (RCW 42.56.100).

## **Review of Denials of Public Record**

Any person who objects to the initial denial or partial denial of a records request may petition in writing to the Air Pollution Control Officer of SRCAA for a review of that decision. The petition must include a copy of the written statement by the Public Records Officer denying the request.

The Air Pollution Control Officer or designee will consider the petition and either affirm or reverse the denial within ten (10) business days following the SRCAA’s receipt of the petition; or within such other time period that the agency and requestor mutually agree to.

Any person may petition the Spokane County Superior Court for a review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of ten (10) business days after the initial denial regardless of any internal administrative appeal.

## **Disclaimer of Liability**

The Public Disclosure Policy establishes guidelines SRCAA follow a to provide for the fullest assistance to requestors including the timeliest possible action on requests, while protecting public records from damage and preventing excessive interference with other essential agency functions (RCW 42.56.100). Except where these guidelines are mandated by statute, the guidelines in this policy are discretionary and advisory only and will not impose any affirmative duty on SRCAA. SRCAA reserves the right to apply and interpret this policy as it sees fit, and to revise or change the policy at any time. Failure to comply with any guidelines of the policy will not result in any liability imposed upon SRCAA other than that required in Public Records Act.