

RESOLUTION R-5648

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AMENDING THE CITY OF KIRKLAND PUBLIC RECORDS ACT RULES

1 WHEREAS, RCW Sections 42.56.040, 42.56.070 and 42.56.100
2 of the Public Records Act ("Act") collectively require that state and local
3 agencies provide, publish, and prominently display certain information,
4 exemptions and rules governing disclosure of public records; and
5

6 WHEREAS, the City Council ("Council") adopted the City of
7 Kirkland Public Records Act Rules ("Rules") through Resolution R-4987
8 on July 16, 2013, which was subsequently amended through Resolution
9 R-5272 on October 3, 2017; and
10

11 WHEREAS, as it has been several years since the Rules and
12 the associated provisions of the Kirkland Municipal Code ("KMC") have
13 been reviewed and revised, the Public Disclosure Steering Team, as
14 defined therein, recommends these Rules updates in order to stay
15 compliant with current law and best practices; and
16

17 WHEREAS, the Council has reviewed and discussed potential
18 revisions to its Rules at a public meeting on September 17; and
19

20 WHEREAS, associated changes to the KMC will be considered
21 separately by the Council by way of Ordinance; and
22

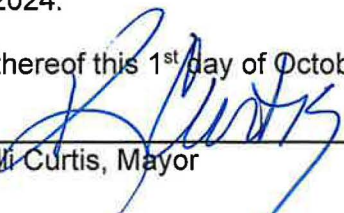
23 WHEREAS, the Council recognizes that this update to the Rules
24 is consistent with the policy of the City of Kirkland ("City") that all persons
25 are entitled to the greatest possible information regarding the affairs of
26 City government and the official acts of those officers and employees
27 who serve them.
28

29 NOW, THEREFORE, be it resolved by the City Council of the
30 City of Kirkland as follows:
31

32 Section 1. The City of Kirkland Public Records Act Rules dated
33 September 2024 and attached hereto as Exhibit A, and incorporated by
34 this reference, are approved.
35

36 Passed by majority vote of the Kirkland City Council in open
37 meeting this 1st day of October, 2024.
38

39 Signed in authentication thereof this 1st day of October, 2024.



Kelli Curtis, Mayor

Attest:


Emilee Ferguson, Deputy City Clerk

**CITY OF KIRKLAND
PUBLIC RECORDS ACT RULES**

PRA Rule 010. Authority and purpose.

(1) **Authority.** Local government agency duties and responsibilities for the disclosure of public records are defined in chapter 42.56 RCW, the Public Records Act ("Act"), and referenced in Kirkland Municipal Code ("KMC") Chapter 3.15, Access to public records. RCW 42.56.070(1) requires public agencies such as the City of Kirkland ("City"), to make available for inspection and copying non-exempt and disclosable public records in accordance with published rules. RCW 42.56.070(2) requires each agency to set forth for informational purposes every law in addition to the Act that exempts or prohibits the production of public records held by that agency.

(2) **Purpose of Rules.** The purpose of these Public Records Act Rules ("Rules") is to establish the procedures the City will follow in order to provide full access to non-exempt and disclosable public records, the fullest assistance to inquirers, and the most timely possible action as required by RCW 42.56.100 and KMC 3.15.00, while also protecting the records from damage or disorganization and preventing excessive interference with the other essential functions of the City. These Rules provide information to persons wishing to request access to public records maintained by the City and establish processes for both requestors and City staff to best assist members of the public in obtaining such access.

(3) **Purpose of Act.** The purpose of the Act is to provide the public full access to information concerning the conduct of government, mindful of individual privacy rights and the desirability of the efficient administration of government. The Act and these Rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the Act, the City will be guided by the provisions of the Act describing its purposes and interpretation.

(4) **Allocation of Resources.** The Washington State Auditor's Office provides a benchmark in terms of the audit costs as a percentage of the City's total expenses. In 2011, the percentage was 0.049 percent of the City's total expenses. In 2013-2014, the level of effort was nearly five times the amount spent on audits. Starting in the 2015-2016 biennial budget, the City Council ("Council") established the level of effort to be devoted to responding to records requests and the amount of resources allocated. Based on this audit cost analysis, the Council will determine future levels of effort to be devoted to responding to public disclosure requests and the level of resources to be allocated during the biennial budget process.

(5) **Act not applicable to Court.** Kirkland Municipal Court files and the files of its judges are not subject to the Act. Access to these records is governed by court rules and common law.

(6) **Amendment of the Rules.** By authorization of the Council in the Resolution approving these Rules, the City Manager is authorized to amend the Rules as necessary from time to time to remain in compliance with evolving law and best practices governing the handling of public disclosure requests. Review of these Rules will occur on at least an annual basis. Amendments to the Rules must be reviewed by the Public Records Management and Disclosure Steering Team prior to City Manager action. All amendments to the Rules will be reported to the Council.

PRA Rule 020. Definitions.

(1) **"Public Records Management and Disclosure Steering Team" ("Steering Team")** means a team composed of the City Manager, the Director of Finance and Administration, the Public Records Officer, and the City Attorney, or their designees, in accordance with KMC 3.15.030.

(2) **"Public Records Management and Disclosure Coordinating Team" ("Coordinating Team")** means a team composed of the public records officer, or designee, and the City department designees as established in KMC 3.15.040.

(3) **"Public Records"** as defined in RCW 42.56.010(3) 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 any state or local agency regardless of physical form or characteristics.

(4) **"City Public Records Officer"** as defined in RCW 42.56.580 means the individual whose responsibility is to serve as a point of contact for members of the public requesting disclosure of public records and to oversee the agency's compliance with the public records disclosure requirements of the Act.

(5) **"Records Series"** as defined in the Local Government Common Records Retention Schedule (CORE) Version 4.2 (August 2021), as may be amended from time to time, means a group of records, performing a specific function, which is used as a unit, filed as a unit, and may be transferred or destroyed as a unit. A records series may consist of a single type of form or several different types of documents that are filed together to document a specific function.

(6) **"Standard time period"** as referenced in KMC 3.15.060 means the estimated time, established as goals, to make requested public records available by category of records request.

(7) **"Writing"** as defined in RCW 42.56.010(4) means handwriting, typewriting, printing, photostating, photographing, 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 picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

PRA Rule 030. Agency description-Contact information - Public records officer.

(1) **Agency description.** The City provides the municipal services of a non-charter code city, including but not limited to, municipal court, parks and community services, and planning and building, fire, police, and public works services, which are supported and supplemented by financial, administrative, and legal services. The City's central office is located at 123 Fifth Avenue, Kirkland, WA 98033.

The general course and method by which the City's operations are determined and directed is through laws adopted and direction given by the Council and in conformity with all applicable city, state, and federal laws, which are implemented by the City Manager or designees, in conformity with the requirements of those same laws. The City's rules of procedure are set forth in those

same laws or in rules adopted pursuant to authority granted to others as provided in those laws. The City's substantive rules of general applicability, as well as the statements of general policy or interpretations of general applicability formulated and adopted by the City are contained in the KMC or in rules, regulations, and interpretations authorized to be adopted or issued in those laws or under federal or state law.

(2) **Contact Information - Public Records Officer.** Any person wishing to request access to public records of the City, or seeking assistance in making such a request, should follow the procedures set forth in Rule 040(4) and contact the Public Records Officer to obtain assistance in making such a request:

Public Records Officer
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033
Phone (425) 587-3190
PublicRecords@kirklandwa.gov
cityclerk@kirklandwa.gov

Information is also available at the City's web site at www.kirklandwa.gov.

Police Department records can be requested directly from the Police Department at the location below:

Kirkland Police Department
Attn: Public Disclosure
11750 NE 118th St
Kirkland, WA 98034
425-587-3400
policepdr@kirklandwa.gov

PRA Rule 040. Availability of public records.

(1) **Availability.** Public records are available for inspection and copying during normal business hours of the City, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. Inspection of records shall occur at the central office of the City unless another location is approved by the Public Records Officer or designee.

(2) **Records index.** Pursuant to RCW 42.56.070(4) and in adopting Resolution R-4987, the Council declared that the maintenance of an index was unduly burdensome. This finding was based on the fact that the City is comprised of twelve departments, together with divisions and subdivisions, serving over 90,000 residents. The different departments maintain separate databases and/or record-keeping systems for the indexing of records and information. Because these records are diverse, complex, and stored in multiple locations and in multiple computer systems and databases, it is considered unduly burdensome to maintain a central index of records.

(3) **Organization of records.** The City will maintain its records in a reasonably organized manner. While committed to fully complying with the Act and these Rules, the City must also take reasonable actions to protect records from damage and disorganization and prevent excessive interference with other essential functions of the City. A requestor shall not take original City

records from City offices. A variety of records are available electronically on the City's web site at www.kirklandwa.gov. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(4) Making a request for public records.

(a) Any person wishing to inspect or copy identifiable public records of the City should make the request in writing on the City's request form by letter, email, or through the on-line Public Records Request Portal, addressed to the Public Records Officer. The request should include at least the following information:

Indication that the request is for public records pursuant to the Public Records Act, contact information, the date and time of the request, and identification of the requested records adequate for the Public Records Officer to locate the records.

(b) City staff also may accept requests for public records that contain the above information by telephone or in person. If City staff accept such a request, confirmation of receipt of the information and the substance of the request will be sent to the requestor in writing. The confirmation will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement of the intended scope.

(c) If the requestor wishes to have copies or scans of the records made instead of simply reviewing and inspecting them, they should so indicate and may be required to make arrangements with the Public Records Officer, or designee, to pay for copies or scans of the records as provided in Rule 150 below.

(d) A public disclosure request form is available for use by requestors at the office of the City Clerk and on-line at www.kirklandwa.gov.

(e) Public disclosure requests are public records and also generally subject to inspection or copying.

(f) Disclosure requests may pertain only to existing records and the Act does not require the City to respond to general requests for information or to create records that did not exist at the time the request was made.

(g) Requests for records submitted via social media do not provide the City reasonable notice of a request under the Act. Requests for records submitted via social media will therefore generally not be processed as requests for public disclosure under the Act.

(h) When requests are received from other government agencies through the Public Records Request Portal, the Public Records Officer, or designees, will follow the Act and applicable Rules. The "Source" will be set as Intergovernmental and such status will be confirmed with the requesting agency.

(i) The City recognizes that processing a request for public records in some limited circumstances may result in a greater expense to the City than simply copying and providing the records to the requestor. Therefore, as an alternative and at the discretion of the front

desk staff and/or their supervisor, copies of readily accessible public records may be provided free of charge if it involves only a nominal impact on staff time and City resources.

PRA Rule 050. Processing of public disclosure requests.

(1) **Providing "fullest assistance."** Mindful of the requirements of RCW 42.56.100, the Public Records Officer, or designees, and the Coordinating Team will process requests in the order allowing the most requests to be processed in the most practicable and efficient manner and in accordance with the categories established in Rule 070. In an effort to better understand the request and provide all responsive records, the Coordinating Team may ask clarifying questions related to the scope of the request, but the requestor is not required to respond except as necessary to establish whether inspection and copying would violate RCW 42.56.070(8) (see Rule 100 below) or another statute which exempts or prohibits production of specific information or records to certain persons.

(2) **Acknowledging receipt of request.** Within five business days of receipt of the request, the Coordinating Team will do one or more of the following:

(a) Make the records available for inspection or copying;

(b) If copies are requested and payment or payment of a deposit is made as provided in Rule 150, or other terms of payment are agreed upon, send the copies to the requestor;

(c) Provide a reasonable estimate of any additional time needed to fully respond to the request and a date by which the records are expected to be produced in whole or in part depending on whether the records are being provided in installments. The factors used to estimate the additional time needed must be based upon criteria that can be articulated, and may be presented in the response estimating the additional time needed. However, additional time is only allowed under the following circumstances:

(i) to request clarification from the requestor if the request is unclear or does not sufficiently identify the requested records. Such clarification may be requested, and the scope will be confirmed in writing with the requestor. The confirmation will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement of the scope;

(ii) to locate and assemble the information requested;

(iii) to notify third persons or agencies in the event the requested records contain information that may affect rights of others and/or be exempt from production. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask them 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 or a statement of the request if no written request was received;

(iv) to determine whether any of the information requested is exempt from production and that a denial should be made as to all or part of the request;

or

(d) deny the request, specifying the reasons for denial.

(3) **Injunction.** Pursuant to RCW 42.56.565, the City may seek to enjoin the inspection or copying of any non-exempt or non-disclosable public record by persons serving criminal sentences in state, local, or privately operated correctional facilities.

PRA Rule 060. Management of disclosure requests.

(1) **Public Records Management and Disclosure Coordinating Team Responsibilities.** The Coordinating Team is primarily responsible for managing disclosure requests within the electronic portal that has been chosen by the City to respond and archive disclosure requests. All disclosure requests shall be given a category according to Rule 070. The Coordinating Team is required to identify the status of the requests as "partial release," "active/in process," or "full release."

The Coordinating Team follows the criteria below to organize their workload and response priorities:

- (a) the number of records responsive to a given request;
- (b) the number, size, and amount of processing required of the subject request and other disclosure requests;
- (c) whether records are required from off-site storage;
- (d) the status of a particular request that is waiting for third party review or response;
- (e) requestor action is required including payments, requests for clarification, or review of installments;
- (f) a request is waiting for legal review of records to determine if they meet the definition of a public record or the applicability of exemptions and production of an exemption log;
- (g) a request is waiting for consideration of a court action to review denial of access;
- (h) a request is waiting for external vendor reproduction of records; or
- (i) the current volume of other City work as it affects the amount of staff time that can be devoted to the subject request or requests.

(2) **Requestors with multiple requests.** Responding to disclosure requests is not always a sequential process. In order to provide the fullest assistance to all records requestors and to prevent excessive interference with other essential functions of the City, if the same requestor, or their representative, has submitted multiple requests, those requests will be responded to in accordance with the standard time periods of response set forth in PRA Rule 080, provided,

however, that a requestor with multiple requests can request that the City prioritize a particular request.

PRA Rule 070. Categories of requests.

(1) When a public disclosure request is received, the Public Records Officer, or designees, and/or the Coordinating Team receiving the records request will categorize the request according to the nature, volume, and availability of the requested records as follows:

(a) **Category 1** disclosure requests are requests requiring immediate response in the interest of public safety. These requests shall take priority over all other requests.

(b) **Category 2** disclosure requests are routine or readily filled requests for easily identified and immediately accessible records requiring little or no coordination between departments.

(c) **Category 3** disclosure requests are routine requests that involve one or more of the following:

(i) a large number of records;

(ii) records not easily identified, located and accessible;

(iii) records that require coordination between departments; and/or

(iv) standard exemptions that are easily identifiable and creation of an exemption log necessary.

(d) **Category 4** disclosure requests are complex requests which may be especially broad or vague and which involve one or more of the following:

(i) a large number of records that are not easily identified, located or accessible, requiring coordination between multiple departments;

(ii) research by City staff who are not primarily responsible for public disclosure;

(iii) review by public disclosure staff to determine whether any of the records are exempt from production and possible creation of an exemption log necessary; and/or

(iv) consultation with the legal department.

(e) **Category 5** disclosure requests are highly complex requests that may be especially broad or vague which involve one or more of the following:

(i) a large number of records that are not easily identified, located or accessible, requiring significant coordination between multiple departments;

(ii) research by City staff who are not primarily responsible for public disclosure;

(iii) significant involvement with the legal department for review and creation of an exemption log; and/or

(iv) may require additional assistance from third-parties in identification and assembly.

(2) After initial categorization, disclosure requests may be re-categorized in response to changed circumstances or additional information.

PRA Rule 080. Standard time periods for response.

(1) The following standard time periods for response to all categories of disclosure requests are established as goals. The City may not be able to comply with the response goals, but will notify the requestor if the goal will not be met together with an updated response goal.

(a) **Category 1 disclosure requests.** Generally, the City will respond to Category 1 disclosure requests immediately or the next business day after the request is received.

(b) **Category 2 disclosure requests.** Generally, the City will respond to Category 2 disclosure requests within five business days. If records cannot be made available within five business days, the City may extend the time to respond as described in these Rules.

(c) **Category 3 disclosure requests.** The City will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to make the records available. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 3 disclosure requests usually require between 5 and 30 business days to complete.

(d) **Category 4 disclosure requests.** The City will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to make the records available. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 4 disclosure requests may require between 30 days to several months to complete.

(e) **Category 5 disclosure requests.** The City will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to make the records available. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 5 disclosure requests may require more than several months to complete.

PRA Rule 090. Inspection of records.

(1) **Inspection of records.**

(a) Consistent with other demands, the City shall promptly provide physical space to inspect and review 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 they wish the City to print, copy, or scan, if any, and provide payment for those copies or scans, per Rule 150 if applicable.

(b) The requestor must claim or review the assembled records within 30 days of the Coordinating Team's notification to them that the records are available for inspection or copying/scanning. The Coordinating Team will notify the requestor, in writing, of this requirement and inform the requestor that they should contact them or the Public Records

Officer 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 30-day period or make other arrangements, staff may close the request and re-file the assembled records.

PRA Rule 100. Providing public disclosure records.

(1) **Identifiable record.** A requestor must request an "identifiable record" or "records series" before the City can respond. An identifiable record is one that City staff can reasonably locate. The Act does not allow a requestor to search through City files for records which cannot be reasonably identified or described to the City.

(2) **Providing records in installments.** When the request is for a large number of records, the designated staff may provide access for inspection and copying in installments, if determined that it would be reasonably practical to provide the records in that manner.

(3) **Determining level of access.** In support of the Act, the City has chosen to proactively publish the majority of public disclosure requests and their responsive records to encourage transparency and accountability, and/or to provide quicker, easier access to the records that may be of general public interest. The Public Records Officer, or their designee, has the discretion to determine the level of public accessibility when releasing electronic records whether in full or in part to the public archive for requestor inspection, taking issues such as privacy interests into due account. Dependent on the nature of the documents and the relation of the requestor to the documents, the Public Records Officer, or designee, can either release the records simultaneously to both the requestor and the public, or to the requestor only. Records provided only to the requestor would also be made available to any subsequent requestor of the same records, subject to applicable exemptions.

(4) **Requests for information or nonexistent records.** Requests for general information are not public disclosure requests. The City is not required to conduct legal research for a requestor or create records to respond to a request.

PRA Rule 110. Processing of public disclosure requests-electronic records.

(1) **Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.

(2) **Providing electronic records.** If public records are requested in an electronic format, the Coordinating Team will provide the non-exempt records or portions of such records that are reasonably locatable in an electronic format that is used by the City and is generally commercially available, or in a format that is reasonably translatable from the format in which the City keeps the records. Costs for providing electronic records are governed by PRA Rule 150.

(3) **Customized access to databases.** With the consent of the requestor, the City may provide customized access under RCW 43.105.355 and 42.56.120(3) and (4) if the records are not reasonably locatable or reasonably translatable into the format requested. The City may charge a fee consistent with those statutes and these Rules for such customized access.

(4) **Retaining electronic copies.** Because an electronic record is usually more susceptible to manipulation and alteration than a paper record, the City will keep, when feasible, an electronic

copy of the electronic records it provides to a requestor to be able to show the exact records it provided if necessary.

PRA Rule 120. Redactions and exemptions.

(1) **Records exempt from production.** Some records are exempt from production in whole or in part. If a record is exempt from production and should be withheld in its entirety, the Public Records Officer or designee will state the specific exemption and provide a brief explanation of how the exemption applies to the record being withheld. If only a portion of a record is exempt from production, but the remainder is not exempt, the Public Records Officer or their designee will redact the exempt portions, produce the non-exempt portions, and provide a brief explanation of how the exemption applies to the record being partially withheld. These explanations should be sufficient to enable the requestor to make a threshold determination of whether the claimed exemptions were proper.

(2) **Exemptions provided by other statutes.** The Act provides that a number of records are exempt from public inspection and copying. In addition, documents are exempt from production if any "other statute" exempts or prohibits production. Requestors should be aware of the exemptions outside the Act that may restrict the availability of some records held by the City for inspection and copying/scanning as listed in Exhibit 1 (Exemptions provided by other statutes).

PRA Rule 130. Closure of public disclosure requests

(1) **List of individuals.** The City is prohibited by statute from producing lists of individuals for commercial purposes. Therefore, if a request is received that reasonably appears to be for commercial purposes (i.e. a list of all individuals in a class), the requestor may be asked to fill out a Commercial Use Declaration and return the declaration within 14 days. If the record will be used for such commercial purposes, the list cannot be produced. If the form is not returned within 14 days, the request will be closed as abandoned.

(2) **Closure of abandoned requests.** If, within 30 days, the requestor fails to review or inspect the entire set of records or one or more of the installments or fails to pay the deposit or final payment for the requested copies, the Public Records Officer, or designee, shall attempt to verify if the requestor is still interested in the requested records, including future anticipated installments. If, thereafter, another 14 days lapse with no response or history of the requestor reviewing their records, the request may be closed as abandoned.

(3) **Closure of a withdrawn request.** When the requestor withdraws the request, the Coordinating Team will close the request as withdrawn and so confirm with the requestor in writing.

(4) **Later discovered records.** If, after the Coordinating Team has informed the requestor that all identifiable records have been provided, the Coordinating Team becomes aware of additional responsive documents existing at the time of the request that had not been provided previously, it will promptly create a new request number and inform the requestor of the additional documents and provide the records on an expedited basis.

(5) **Additional records requested.** If, after the Coordinating Team has closed a request, the requestor asks for additional information, a new request number will be created and the additional records will be processed within this new request number.

(6) The City intends to adhere to the Preservation Statute following the withdrawal or abandonment of a request.

PRA Rule 140. Body-Worn Camera public disclosure requests

(1) **Requests from prosecutors.** Pursuant to the Act and Kirkland Police Department Policy 421, Body-Worn Cameras (“BWC”) recordings shall be released and made available to the City and County prosecutors when requested as part of discovery for a criminal or civil case.

(2) **Request from the public.** Members of the public who wish to view BWC recordings shall be required to submit a public disclosure request, or in the event of litigation, seek the video in discovery. The City and/or Kirkland Police Department will only release video to the public in accordance with the Act or pursuant to lawful process.

Requests for BWC recordings must include one of the following:

- (a) Name of person involved in the incident;
- (b) Incident or case number(s);
- (c) Date(s), time(s), and location(s) of the incident(s); or
- (d) Identifying information of law enforcement or corrections officer(s) involved in the incident(s).

(3) **Redactions and exemptions.** All recordings requested by the public shall first be reviewed prior to public release by a Police Public Disclosure Analyst or equivalent position. Recordings that unreasonably violate a person’s privacy will not be publicly released, absent appropriate redaction, unless disclosure is required by law or order of the court.

(4) **Fees.** Charges for redactions and/or copying may be applied to any BWC recording disclosure request. The Act allows a law enforcement agency to charge certain requestors the reasonable costs of redacting BWC videos prior to disclosure. Allowable redaction costs are in addition to copying costs that agencies are legally allowed to charge requestors. See “Body-Worn Camera Public Disclosure Redaction Cost Recovery” memo on the Police Department Body-Worn Camera Program website for applicable body-worn camera recording charges and more information regarding who is eligible to request BWC recordings without charges. The City will continue to charge for public disclosure requests per Rule 150.

PRA Rule 150. Costs of providing copies of public records.

(1) **Costs for copies.** A requestor may obtain copies or scans as provided under RCW 42.56.070(7), RCW 42.56.120 and WAC 44-14-070; the City will charge for those copies or scans according to the fee schedule below. For records in other forms, the City will charge the actual cost it pays for the medium used to record the record or records provided. Those mediums

include, but are not limited to, CDs, DVDs, flash drives, external hard drives, and others. The statements providing those costs are the invoices paid to obtain them and are available for public inspection and copying.

City of Kirkland Public Disclosure Request Fee Schedule	
Fees:	
15 cents/page	Photocopies, printed copies of electronic records when requested by the requestor, or for the use of agency equipment to make photocopies.
10 cents/page	Scanned records or use of agency equipment for scanning.
5 cents/each 4 electronic files or attachments	Records uploaded to email, or cloud-based data storage service, or other means of electronic delivery.
10 cents/gigabyte	Records transmitted in electronic format or for use of agency equipment to send records electronically.
Actual cost	Digital storage media or devices, CD/DVD/Flash Drive/Other
Actual cost	Postage or delivery charges
Actual cost	Any Container or envelope used to mail copies
(Varies)	Records for which other costs are authorized pursuant to specific fee statutes.
↑ <i>Charges above may be combined to the extent more than one type of charge applies to responsive records to a particular request.</i>	
Additional options for fees:	
Actual cost	Data compilations prepared or accessed as a customized service (cost is in addition to above fees for copies).
Up to \$2 flat fee	As an alternative to the copy charges above, the City may charge a flat fee of up to \$2 for any request when the City reasonably estimates and documents that the costs are equal to or more than \$2. If applied to the initial installment, additional flat fees shall not be charge for subsequent installments.

\$0.84 per minute of redaction time	Body-worn camera (BWC) cost study can be found on the BWC Project Site and at this link . A deposit of 10% may be required if the total cost of redaction meets or exceeds \$50.00.
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(2) **Deposit for records production.** Before beginning to make copies or review records, the Public Records Officer, or designee, may require a deposit of up to ten percent of the estimated costs of reviewing, transferring, copying, and/or scanning all the records selected by the requestor. The Public Records Officer may also require the payment of the remainder costs before providing all the records, or the payment of the costs of an installment before providing that installment.

(a) Sales tax will not be charged when copies or scans of public records are made but if the records are sent to a third party for copying/scanning, that third party may charge sales tax and the requestor will be responsible for payment of that tax as well as the third party's actual charges for copies or scans.

(3) **Costs of mailing.** The City may charge actual costs of mailing, including the cost of the shipping container.

(4) **Costs for certification.** The City may impose a charge of \$5.00 per record series for certification plus the cost of printing, scan, and/or mailing. Certified records will be completed by the Public Records Officer or designee. Designees include the Deputy City Clerks and the Police Support Supervisor.

(5) **Other copying charges.** The Act generally governs copying charges for public records, but several specific statutes govern charges for particular kinds of records. The following non-exhaustive list provides some examples: RCW 46.52.085 (charges for traffic accident reports); RCW 10.97.100 (copies of criminal histories) and RCW 70.58A.560 (charges for copies of vital records such as birth certificates). The City will charge the amount authorized pursuant to these other statutes rather than as provided under the Act.

(6) **Use of outside vendor.** The City is not required to copy/scan records at its own facilities. The City can send the project to a commercial copying/scanning center and bill the requestor for the amount charged by the vendor which may include sales tax from the commercial business. The City can arrange with the requestor to pay the vendor directly. The City cannot charge the default per page copying/scanning charge when its cost at a vendor is less.

(7) **Payment.** Payment may be made by cash, check, debit card, credit card, or money order made payable to the City.

(8) **Waiver of fees.** Fees associated with copies made for a disclosure request may be waived if under \$5.00. The City has the discretion to waive any other costs deemed necessary.

PRA Rule 160. Steering Team review of public disclosure request responses.

(1) **Steering Team review of records request denials.** RCW 42.56.520 requires public agencies to establish mechanisms for the most prompt possible review of public records requests denials.

Attachment 4
R-5648
EXHIBIT A

Any person who objects to the denial of a request may seek prompt Steering Team review. Such request shall be in the form of a petition for Steering Team review addressed to the Public Records Officer. Upon receipt of a petition, the Steering Team shall complete its review by the end of the second business day following the agency's receipt of the petition unless such review period has been extended by agreement of the petitioner.

(2) **Steering Team review of other disclosure request issues.** Any person who objects to a response they have received to a public disclosure request other than a denial as provided for in Section (1) may seek Steering Team review of such a response. Such request shall be in the form of a petition for Steering Team review addressed to the Public Records Officer.

(3) **Judicial Appeal.** Requestors are encouraged to use these internal review procedures but nothing within this rule limits or otherwise prevents any person from seeking judicial review of the City's response to a request, including an initial denial, at any time following such denial in accordance with the provisions of RCW 42.56.550.

This document revised and approved on _____, 2024.

Kurt Triplett, City Manager

Exhibit 1- Exemptions provided by other statutes.

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

RCW 2.64.111	Judicial conduct commission investigations of judges and initial proceedings
RCW 4.24.550	Information on sex offenders
RCW 4.24.601 and .611	Trade secrets and confidential research, development or commercial information re products or business methods
RCW 5.60.060	Privileged communications
RCW 5.60.070	Mediation records
RCW 7.07.070	Mediation records
RCW 7.68.140	Victims' compensation claims
RCW 7.69A.030(4)	Name, address and photograph of child victim or child witness
RCW 7.69A.050	Child victims and witnesses of certain crimes – protection of address
RCW 7.75.050	Records of Dispute Resolution Centers
RCW 9.02.100	Reproductive privacy
RCW 9.41.097(2)	Mental health information re persons buying pistols or applying for CPLs
RCW 9.41.129	Concealed pistol license applications
RCW 9.51.050	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 9.73.230	Name of confidential informants in written report on wire tapping
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 10.77.205	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 10.77.210	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 19.215.030	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 26.33.330	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.08.710	Voter registration records – certain information exempt
RCW 29A.08.720	Voter registration records – place of registration and any decision not to register to vote confidential
RCW 35.102.145	Municipal business and occupation tax – local ordinance can protect return or tax information
RCW 36.28A.455	Information and records – notification – used by 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 70.58A.540	Vital records not subject to public disclosure - exceptions
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)(gf)	Mental health information system – state, county and regional support networks – confidentiality of client records
RCW 71.34.335	Mental health treatment of minors – records confidential
RCW 71A.14.070	Records regarding developmental disability – confidentiality
RCW 72.09.345	Notice to public about sex offenders – department of corrections access to information
RCW 72.09.585	Disclosure of inmate records to local agencies – confidentiality

RCW 73.04.030	Veterans discharge papers exemption (see related RCW 42.56.440)
RCW 74.04.060	Applicants and recipients of public assistance
RCW 74.04.520	Food stamp program confidentiality
RCW 74.13.075(5)	Juvenile's status as a sexually aggressive youth and related info
RCW 74.13.280	Children in out-of-home placements – confidentiality
RCW 74.20.280	Child support enforcement – local agency cooperation, information
RCW 74.34.095	Abuse of vulnerable adults – confidentiality of investigations and reports
RCW 82.32.330	Disclosure of tax information
RCW 84.36.389	Confidential income data in property tax records held by assessor
RCW 84.40.020	Confidential income data supplied to assessor regarding real property
18 USC § 2721 - 2725	Driver and license plate information
20 USC § 1232g	Family Education Rights and Privacy Act
23 USC § 407	Evidence of certain accident reports
42 USC § 290dd-2	Confidentiality of substance abuse records
42 USC § 405(c)(2)(C)(viii) (I)	Limits on use and disclosure of social security numbers.
42 USC 654(26)	State plans for child support
42 USC 671(a)(8)	State plans for foster care and adoption assistance
42 USC 1396a(7)	State plans for medical assistance
7 CFR 272.1(c)	Food stamp applicants and recipients
34 CFR 361.38	State vocational rehabilitation services programs
42 CFR Part 2 (2.1 - 2.67)	Confidentiality of alcohol and drug abuse patient records
42 CFR 431.300 - 307	Safeguarding information on applicants and recipients of medical assistance
42 CFR 483.420	Condition of Participation: Client protections
45 CFR 160-164	HIPAA privacy rule
46 CFR 40.321	United States Coast Guard regulations regarding confidentiality