

## **OLYMPIC ESD 114 ADMINISTRATIVE PROCEDURE RELEASE OF PUBLIC RECORDS**

### **4040P**

The following procedures provide the process for public access to Olympic ESD 114's (OESD) records in compliance with Chapter 42.56 RCW – Public Records Act and provide guidance on how OESD will respond to such requests.

OESD will maintain its records and take reasonable actions to protect records from damage and disorganization.

**Public Records Officer** – The OESD Superintendent or designee serves as the OESD Public Records Officer and may be contacted through the OESD Superintendent's Office.

The OESD Public Records Officer is required to complete training related to the Washington Public Records Act and public records retention no later than (90) days after assuming his/her related responsibilities. After initial training, the Public Records Officer must complete refresher training at intervals of no more than four years.

The Public Records Officer will maintain a log of public records requests that have been submitted to and processed by OESD. This log shall include, but not be limited to, the following information for each request: The identity of the requestor if provided, the date the request was received, the text of the original request, a description of the records produced in response to the request, a description of the records redacted or withheld and the reasons therefor, and the date of the final disposition of the request.

### **AVAILABILITY OF PUBLIC RECORDS**

**Requests for OESD Public Records** - For the most timely and efficient response, requests for OESD records should be directed in writing to the OESD Public Records Officer. Written requests can be brought to the OESD Administrative office during customary office hours or made via mail, fax or email.

Mailing Address:  
Olympic ESD 114 Public Records Officer  
Superintendent's Office  
105 National Avenue N.  
Bremerton, WA 98312  
Fax: 360-405-5813  
Email: [info@oesd114.org](mailto:info@oesd114.org)

Information regarding contacting the Public Records Officer is also available at the District website at [www.oesd114.org](http://www.oesd114.org).

To avoid any confusion or misunderstanding, requestors should be mindful that a request

made in writing is always the preferred method. However, the Public Records Officer accepts oral requests for public records. If the Public Records Officer receives an oral request for records, the Public Records Officer will confirm his or her understanding of the request with the requestor in writing.

Upon receiving a public records request, OESD will make available all requested identifiable public records, or portions, related to the operations and functions of OESD that have been prepared, owned, used, or retained by OESD in any format unless the record falls within the exemptions of Chapter 42.56 RCW or other statute which exempts or prohibits disclosure of specific information or records.

Requests should include the following information:

- name, address, telephone number, and email or mailing address of requestor;
- the time of day and calendar date on which the request was made;
- a detailed description of the public records being requested;
- whether the requestor wants to inspect the requested records at the OESD offices, will pay for copies to be mailed, or wants the records sent electronically; and
- the method by which the Public Records Officer can contact the requestor.

OESD recommends using its Public Records Request form when submitting a request for records. The form is available on OESD's website (OESD114.org) or upon request at the OESD Superintendent's office.

Public records will be available for inspection, and requested copies will be available for pick-up, by appointment during OESD regular business hours.

**Identifiable Records** - A request for public records pursuant to the Washington Public Records Act, Chapter 42.56 RCW and OESD Board Policy 4040 must seek an identifiable record, which means one in existence at the time the records request is made and that OESD staff can locate after an objectively reasonable search. General requests for information from OESD that do not seek identifiable records are not covered by Policy 4040. Similarly, OESD is not obligated by law to create a new record to satisfy a records request for information.

**Requesting Electronic Records** – The process for requesting electronic public records is the same as for requesting paper public records.

**Creating New Records** - OESD is not obligated by law to create a new record to satisfy a records request for information. OESD may choose to create a record depending on the nature of the request and the convenience of providing the information in a new document, such as when data from multiple locations is requested and can be more easily combined into a single new record.

**Purpose of Request** - OESD may inquire into the purpose for which a record is requested and may use the answer to aid in gathering responsive records and determining whether the public has a legitimate interest in obtaining the information. However, a requester is not

required to provide a purpose and OESD may not decline to furnish the records solely because the requester refuses to furnish a purpose for the request.

**Protecting Rights of Others** - In the event that requested records contain information that may affect the rights of others and may be arguably exempt from disclosure, the Public Records Officer may, prior to providing the records, give notice to such others. The notice to the affected persons may also include a copy of the request.

**Records and/or Details Exempt from Disclosure – Denial of Requests**

RCW 42.56.070(8) prohibits providing access to lists of individuals requested for commercial purposes, and OESD may not do so unless specifically authorized or directed by law.

Some records are exempt from disclosure, in whole or in part, under a specific exemption contained in Chapter 42.56 RCW or other statutes which exempt or prohibit disclosure of specific information or records.

**List of Laws Exempting or Prohibiting Disclosure**

Pursuant to RCW 42.56.070(2), this Procedure contains a list of laws—other than those specifically listed in Chapter 42.56 RCW—which may exempt disclosure of certain public records or portions of records. OESD has identified the following laws:

- The Family Educational and Privacy Rights Act (FERPA), 20 USC § 1232g (regarding student educational records);
- Washington State Student Education Records Law, RCW 28A.605.030;
- The Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et. seq. and 34 C.F.R. Part 300 (protecting the confidentiality of personally identifying information contained in student records of students with disabilities).
- Privileged communications and attorney work product, such as set forth in Chapter 5.60 RCW;
- Criminal Records Privacy Act (CRPA), Chapter 10.97, RCW;
- Information on students receiving free or reduced lunch, 42 USC § 1758(b)(6);
- Health Insurance Portability and Accountability Act (HIPAA), 45 CFR parts 160-164 (regarding health care information privacy and security);
- Abuse of Children – Protection and Procedure, RCW 26.44.010; RCW 26.44.030(9);
- Notification of Juvenile Offenders, RCW 13.04.155(3);
- Examination questions for teachers or pupils prior to the examination, RCW 28A.635.040;
- Public Law 98-24, Section 527 of the Public Health Services Act, 41 USC § 290dd-2 (confidentiality of alcohol and drug abuse patient records);
- United States and Washington Constitutional provisions including, but not limited to, the right of privacy and freedom of association.

The above list is for informational purposes only and is not intended to cover all possible exemptions from the Public Records Act. The above list includes only exemptions which may be in addition to those set forth in Chapter 42.56 RCW. The District may rely upon

other legal exemptions which are not set forth above or contained within the Public Records Act.

If OESD believes that a record is exempt from disclosure and should be withheld, the Public Records Officer will respond to the requestor in writing providing the specific exemption (and statutory reference) which applies and provide a brief explanation of how the exemption applies to the record being withheld or redacted. This action will be recorded on the OESD 114 Exemption Log.

If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the Public Records Officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

A person who objects to the denial of a records request can request a review of the denial in writing referring to the written statement which constituted the denial. OESD shall respond within two working days after receipt of such petition.

**Inspection of Records** - A requestor is not permitted to remove OESD records from OESD offices without the permission of the Public Records Officer or designee, nor may he or she disassemble or alter, fold, mark, deface, tear, damage or destroy any public record. During the inspection of records, an OESD employee will typically be present to protect records from damage or disorganization. There is no cost to inspect OESD records.

**Copies of Records and Related Fees** - OESD may impose a reasonable charge for providing copies of public records in accordance with RCW 42.56.120(1). This includes photocopies, printed copies of electronic records, public records scanned into an electronic format, use of agency equipment to scan the records, and/or other means of electronic or physical delivery. If the requestor wishes to have copies of records made instead of inspecting them, he or she shall make this clear in the written request and arrange to pay for copies of the records. Or, copies may be requested for a fee after records have been inspected.

OESD is not calculating actual costs for copying its records because to do so would be unduly burdensome for the following reasons: OESD does not have the resources to conduct a study to determine actual copying costs for all its records; to conduct such a study would interfere with other essential agency functions; and, through the legislative process, the public and requestors have commented on and been informed of authorized fees and costs provided in the Public Records Act including [RCW 42.56.120](#) and other laws. Therefore, in order to timely implement a fee schedule consistent with the Public Records Act, it is more cost efficient, expeditious and in the public interest for OESD to adopt the state legislature's approved fees and costs for copying OESD records. These fees can be found at [RCW 42.56.120](#). A copy of the RCW is available at our office or at [www.oesd114.org](http://www.oesd114.org).

OESD may also charge actual costs of mailing, including the cost of the shipping container or envelope.

The Public Records Officer or designee may require payment of the total copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment.

If requested, OESD will provide a summary of the applicable charges before any copies are made. The requestor will be allowed to revise the request in order to reduce the applicable charges.

OESD will take reasonable steps to provide the records in the most efficient manner available to OESD in its normal operations.

OESD will not impose copying charges for access to or downloading of records that OESD routinely posts on its website prior to the receipt of a request, unless the requestor has specifically requested that OESD provide copies of such records through other means.

**Responses to requests** for records are to be made within five business days of receiving a request by:

1. providing copies of the requested record(s); or making the record available for inspection; or
2. providing an internet link on the OESD website to the specific records requested, except that if the requester notifies OESD that he or she cannot access the records through the internet, then the agency must provide copies of the record or allow the requester to view copies using an agency computer; or
3. acknowledging the request and providing a reasonable estimate of the time needed to fully respond; or
4. seeking clarification of the request and providing, to the greatest extent possible, a reasonable estimate of the time needed to fully respond if the request is not clarified; or
5. denying the request.

If OESD does not respond in writing within five business days of receipt of the request for disclosure, the requestor should contact the Public Records Officer to determine the reason for the failure to respond.

If the requestor fails to respond to OESD's request for clarification within 30 days and the entire request is unclear, OESD may close the request and not further respond to it. If the requestor fails to respond to OESD's request for clarification within 30 days, and part of the request is unclear, OESD will respond to the portion of the request that is clear and may close the remainder of the request.

Additional time to respond may be based on the need to clarify the intent of the request, to locate and assemble the records, to redact confidential or exempt information, to notify third parties or agencies affected by the request and provide such parties or agencies with the opportunity to seek a court order preventing disclosure where appropriate, and/or to consult with legal counsel about whether the records are exempt from disclosure.

### **Providing Records in Installments**

When the request is for a large number of records, the Public Records Officer may

provide access for inspection and copying in installments. If, within thirty (30) days, the requestor fails to inspect the entire set of records or one or more of the installments, the Public Records Officer or designee may stop searching for the remaining records and close the request.

**Closing Withdrawn or Abandoned Request**

The requestor must claim or review the assembled records within thirty (30) days of OESD's notification to him or her that the records are available for inspection or copying. OESD should notify the requestor in writing of this requirement and inform the requestor that he or she should contact OESD to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, OESD may close the request and refile the assembled records.

When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the Public Records Officer will close the request and indicate to the requestor that OESD has closed the request.

**OLYMPIC EDUCATIONAL SERVICE DISTRICT 114  
PUBLIC RECORDS REQUEST**

**FORM 4040-F1**

Information related to requesting public records is contained in Olympic ESD 114 Board Policy 4040 and Administrative Procedure 4040-P – Release of Public Records which are available upon request.

**REQUESTOR INFORMATION**

Name:	Daytime phone number: Alternate phone number:
Representing (if applicable):	E-mail address:
Street address:	City, State ZIP:

**RECORDS REQUESTED**

Be specific in defining the records you wish to inspect. If you do not know the name of the records desired, provide a general description of the content, indicating, to the extent possible, dates, author, recipient, title, topics or person(s). Attach additional pages if necessary.

**FORM OF RECORDS REQUESTED AND CERTIFICATION SIGNATURE**

How do you wish to receive the public record?  
 Inspection at Olympic ESD 114 offices (by appointment - no fee unless requesting copies).  
 Refer me to a website (if applicable) (no fee).  
 Send me paper copies (15 cents per page) plus postage/shipping costs.  
 Electronic device/other, (please specify) (cost varies).  
*You will be notified in advance of projected costs (a deposit may be required).*

**Make check payable to:** Olympic ESD 114

**Send to:** Superintendent's Office – Olympic ESD 114, 105 National Ave. N, Bremerton, WA 98312  
***OESD is prohibited from disclosing lists of individuals that have been requested for commercial purposes. If OESD believes a request for a list of individuals has been made for a commercial purpose, it will investigate the purpose of the request.***

Requester's signature: \_\_\_\_\_ Date: \_\_\_\_\_