

Public Record Request Policy and Procedure

The Northwest Clean Air Agency ("NWCAA" or "Agency") seeks to conduct its work in an open and transparent nature. To ensure the public has access to records, NWCAA has prepared the following procedures that represent the best practices of government in the state of Washington, as recommended by the Office of the Attorney General.

1. PURPOSE

The purpose of the Public Records Act is to provide the public with full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of efficient administration of government. The Public Records Act provides a statutory framework by which to administer access to public records.

The purpose of establishing the following policy and procedure is to provide a method by which NWCAA staff will review and respond to requests for public records within the Public Records Act framework. The information contained in this document is designed to aid both those requesting public records and those responding to records requests. The policy and procedure should assist in guiding expectations of requesters and providing notice of a mechanism by which to appeal a records decision, if necessary.

2. POLICY

The NWCAA will provide agency records requested by the public as provided in this policy, unless such records are exempt from disclosure under chapter [42.56 RCW](#) or other law under which disclosure is regulated. NWCAA staff will aid requesters in obtaining the public records they seek.

3. REFERENCE

- Chapter [42.56 RCW](#), Public Records Act
- Chapter [44-14 WAC](#), Public Records Act – Model Rules
- NW Clean Air Agency [Regulations](#)

4. AGENCY LOCATION/CONTACT INFORMATION

NW Clean Air Agency is located at:

1600 S 2nd Street

Mount Vernon, WA 98273

Telephone: 360-428-1617

Fax: 360 428-1620

Website: www.nwcleanairwa.gov

5. PUBLIC RECORDS OFFICER

The Agency is required to appoint and publicly identify a Public Records Officer whose responsibilities include serving as a point of contact for members of the public in requesting disclosure of public records and overseeing the Agency's compliance with the disclosure requirements of the Public Records Act (PRA). RCW 42.56.580(1). The identity of the Public Records Officer for NWCAA shall be prominently displayed on the Agency [website](#).

Please note that while the Public Records Officer serves as a point of contact for members of the public, the public records officer may delegate the responsibilities of processing requests to other staff. Therefore, these procedures will refer to the public records officer "or designee."

6. AVAILABILITY OF RECORDS

Hours for Inspection -Public records are available for inspection, copying and scanning during normal business hours, Monday through Friday, 8:30a.m. to 4:30p.m., excluding legal holidays. Records may be inspected at the NWCAA office, located at 1600 S 2nd Street Mount Vernon, WA 98273. Inspection or inspection with scanning or copying require an appointment which must be made in advance with the Public Records Officer.

Records index -Due to the small size of the agency, the high volume and types of public records generated, and received by the Agency, NWCAA finds maintaining an index is unduly burdensome and would interfere with NWCAA operations.

Organization of Public Records- The NWCAA will maintain its records in a reasonably organized manner. The NWCAA will take reasonable actions to protect records from damage and disorganization. A requester shall not take NWCAA records from NWCAA offices without prior permission of the public records officer or designee.

Public Records on the NWCAA Website – A variety of Agency records are available on the Agency's [website](#). Requestors are encouraged to view all available documents on the website prior to submitting a records request. A computer is available at the Mount Vernon office to search the NWCAA website for available online records, make an online request for records, or to make a payment.

7. REQUESTING PUBLIC RECORDS

Online Request Form – NWCAA recommends requestors submit formal requests electronically using the Agency's online request form. The Agency's website, <https://nwcleanairwa.gov/resources/public-records-request/> is the link to the online request form.

Other Request Methods - Alternatively, requestors may submit formal requests for public records by contacting the Agency's public records officer in person, by telephone, by mail, FAX or email at publicrecordrequests@nwcleanairwa.gov . Requestors submitting formal requests by one of these methods must provide their contact information and a description of the public record or records being requested.

While the Agency encourages the use of social media to further the mission of the Agency, the Agency does not accept requests for public records that are submitted via social media.

Information Included in Request – Each request should include the following:

- Name of requester.
- Address of requester.
- Telephone number.
- Email address – to communicate and send responsive records/links.
- Identification of public records being requested.
- Date range of records being requested.
- Date and time of request

While requesters are not required to specifically name the Public Records Act, they must give reasonable notice that the request is being made pursuant to the act. The request must be for identifiable records or classes of records that the agency can reasonably locate even though they are not required to specifically state the exact record sought. The request must be for an identifiable record, not for information.

8. PROCESSING PUBLIC RECORD REQUESTS

Acknowledgement -The Agency will respond to a request for public records within five (5) business days in one of the following ways:

1. Providing the record or records requested;
2. Providing an internet address and link on the Agency’s website to the specific record or records requested;
3. Make the public records available for inspection or copying;
4. Acknowledging receipt of the request and providing a reasonable estimate of the time the Agency will require to respond to the request;
5. If a request, or a portion of a request is unclear, the public records officer will ask for clarification from requester. Clarification and the response timeline are defined by [RCW 42.56.520](#);
6. Denying the request.

Failure to Respond - If the Agency does not respond in writing within 5 business days of receipt of the request, the requester should consider contacting the public records officer for more information on the delay in response.

Prioritization of Requests - The public records officer or designee will process requests in the order which allows the most requests to be processed in the most efficient manner.

Multiple Requests - The public records officer may ask a requester with multiple requests to prioritize their requests, allowing the Agency to process the highest priority request first. The Agency is not required to ask for prioritization, and the requester is not required to provide it.

Inspection of Public Records – The requester will have 30 days from the date notified, to claim or view the assembled records. If the requester or representative of the requester fails to claim or review the records within 30 days, the Agency may close the request and re-file the records. A request for the same records by the same requester will be considered a new request and will be processed as such.

As Agency demands allow, space will be provided to a requester to inspect public records by appointment with the public records officer. No record may be removed from the public viewing area, disassembled, or altered in any way, by the public. The Agency will provide copies of the records indicated by the requester. Fees for copies may apply, see section 9.

Electronic Records - As NWCAA records transition from a paper format to a digital format, NWCAA will respond to a request for records with a digital record whenever possible.

The public records officer will provide the nonexempt records or portions of such records that are reasonably locatable, in an electronic format that is used by NWCAA, and is generally commercially available, or in a format that is reasonably translatable from the format in which the NWCAA keeps the record.

Customized Access - With the consent of the requestor, NWCAA may provide customized access under [RCW 42.56.120](#) if the record is not reasonably locatable or not reasonably translatable into the format requested. The NWCAA may charge a fee consistent with [RCW 42.56.120](#) for such customized access.

Installments – When the request is for a large number of records or when a portion of responsive records is more readily available than others, the public records officer or designee may provide records in installments.

If the requester fails to pay for, download or inspect available installments in the required timeline, the public records officer or designee may discontinue the search for the remaining records and close the request.

Closing withdrawn or abandoned requests – When the requester withdraws a request, fails to fulfill his or her obligations to inspect the records, fails to clarify a request, or fails to pay a deposit, installment payment or final payment for requested records, the public records officer will close the request and notify the requester the Agency has closed the request.

Later Discovered Records- After NWCAA has closed the request, if the agency becomes aware of additional responsive records existing at the time of the request, it will promptly inform the requester of the additional records and provide them as soon as possible.

Future Records - A public records request is not continuing in nature. If a requester desires additional records created or obtained by NWCAA after the date of the original request, the requester must submit a new request.

Delivery of Records-The primary method for delivering responsive records is email, an emailed link sent to the requester allowing them to download the records or a link to our website that contains the responsive record(s) (shared via file transfer).

Upon request, NWCAA will mail printed copies or prepare printed copies for pickup. All methods are subject to fees in section 9.

Closing a Request – When all responsive records have been emailed, shared via a file transfer, copied, mailed, viewed, scanned, or inspected, the request will be closed.

No Duty to Create Records - NWCAA is not obligated to collect information or to organize data to create a record not existing at the time of a request.

Liability -The agency employee shall not 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.

Bot Requests - A "bot" request is a records request that an agency reasonably believes was automatically generated by a computer program or script. NWCAA may deny a "bot" request that is one of multiple requests from a requestor to NWCAA within a twenty-four-hour period, if NWCAA determines responding to the multiple requests would cause excessive interference with essential agency functions.

9. FEE SCHEDULE

The NWCAA is not calculating actual costs for copying its records, to do so would be unduly burdensome for the following reasons: NWCAA does not have the resources to conduct a study to determine actual copying costs for all its records and to conduct such a study would interfere with other essential agency functions. Therefore, NWCAA's fee schedule is consistent with the public records act as authorized in RCW 42.56.120.

There is no fee for inspecting public records or for NWCAA's time spent locating public documents and making them available. There is no fee for providing electronic records if they already exist in an electronic format and the records can be delivered in a digital format (email or file transfer).

Fees for copying, scanning, and conveying records are as follows:

Public Records Fee Schedule	
15 cents/ standard page	Photocopies provided by NWCAA staff using agency equipment
10 cents / standard page	Scanned documents provided by NWCAA staff using agency equipment (if the documents are not already in electronic format)
Cost of device	Digital storage media or devices
Cost of container	Any container or envelope used to mail copies or digital storage media or devices

Cost of postage or delivery	Postage or delivery charges
Vendor fees	Copying or scanning charged by an outside vendor.
Vendor/Consultant fees	Expertise to prepare data compilations or provide. customized electronic access services
Vendor fees	Retrieving documents out of storage
As allowed	Other charges allowed in RCW 42.56.120

Deposit -Before beginning to make the copies or scans, the public records officer or designee may require a deposit of up to 10 percent of the estimated costs of copying or scanning the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying or scanning costs and fees before providing all the records, or the payment of the costs of copying or scanning and fees for an installment before providing that installment. The NWCAA will not charge sales tax beyond those included in the fees above for production of public records.

Payment Methods -The NWCAA will accept check and online payments only.

1. Checks can be delivered in person or mailed to the Mount Vernon office. Once processed and cleared by the bank, the records will be released.
2. Online payments can be made from any computer with Internet. If you do not have a computer or Internet, you can use a NWCAA computer at the Mount Vernon office.
3. The online payment portal link is accessed on our webpage: <https://nwcleanairwa.gov/>.

10. DENIAL

Any person who objects to the initial denial or partial denial of a records request may petition in writing to the Control Officer of NWCAA for a review of that decision. The petition shall include a copy of the denial from the Public Records Officer.

The Control Officer or designee will either affirm or reverse the denial within 10 business days following the NWCAA's receipt of the petition.

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

11. PROHIBITIONS AND EXEMPTIONS

Prohibitions- The Public Records Act prohibits NWCAA from providing a list of individuals to be used for commercial purposes. [RCW 42.56.070\(8\)](#). The word "individuals" refers only to natural persons; however, a list may include other fields and still be considered a list of individuals. A "commercial purpose" is a business activity by any form of business enterprise (i.e., for profit and not-for profit) that is intended to generate revenue or other financial benefit.

The Agency has an obligation to avoid disclosing lists of individuals for commercial purposes and may require a requester to sign a declaration under penalty of perjury which describes the purpose of their request and states that he or she will not use the requested list of individuals for a commercial purpose.

Exemptions - The Public Records Act and other statutes exempt or prohibit disclosure of certain City records. Requesters should take note that there are many exemptions contained outside of the Public Records Act that may restrict the availability of some records.

If NWCAA deems a record or portion of a record is exempt from disclosure and should be withheld, the public records officer or designee will state the specific exemption and provide a brief explanation of why the record, or a portion of the record is being withheld.

Third Party Notification- If the requested records contain information that may affect rights of others and/or may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to the person(s). Such notice should be given to make it possible for those receiving the notice to seek an order from a court to prevent or limit the disclosure. [RCW 42.56.540](#).

- The third party shall be provided relevant information about the request, including a copy of the request, and they will have a set number of days to seek an order from the court to prevent or limit the disclosure.
- The requester will be notified of the time provided to the third party to respond to a notice.
- If the third party fails to produce a signed court order within the set time frame, the request will continue to be processed.

Exemptions – The Public Records Act includes a list of exemption and prohibition to disclosure. Some of NWCAA's most common exemptions are listed below. This list is for informational purposes only and not intended to be an exhaustive list of exemptions. Failure to list an exemption shall not affect the efficacy of any exemption. [RCW 42.56.070](#).

1. Personal information in files maintained for NWCAA employees to the extent that disclosure would violate their right to privacy, including but not limited to addresses, phone numbers, Social Security numbers, driver license numbers, voluntary deductions, and any garnishment deductions ([RCW 42.56.230\(3\)](#), [42.56.250\(4\)](#), [42.56.050](#))
2. Records in current investigative files, to the extent that nondisclosure is essential for the protection of any person's right to privacy ([RCW 42.56.240\(1\)](#), [RCW 42.56.050](#));

3. Bank or Other Financial Information such as credit/debit card numbers, electronic check numbers, card expiration dates, or bank or other financial information (RCW [42.56.230](#)(5))
4. Attorney-Client Privileged Communication between the NWCAA and its attorneys (RCW [42.56.290](#), RCW [42.56.070](#), and RCW [5.60.060](#)(2))
5. List of individuals for commercial purposes RCW [42.56.070](#)(9)
6. Confidential Business Information [RCW 48.02.068](#)
7. Preliminary drafts, notes, recommendations, intra-agency memorandums ([RCW 42.56.290](#))
8. Trade Secrets ([RCW 19.108.010](#))

For an updated list of Public Records Act exemptions refer to the [Sunshine Committee](#) webpage. For exemptions that fall outside of the public records act, see the [MRSC Public Records Act Publication, Appendix C](#) .