



Policy #: 01.030

Policy Name:

Public Records Act

Issued: 06/12/2009

Revision Date: 01/13/2023

Review Schedule: N/A

POLICY APPLIES TO: All Employees

I. PURPOSE

1. This policy establishes the procedures NORCOM will follow to provide access to public records as defined under Washington's Public Records Act, Chapter 42.56 RCW. These procedures provide information to persons wishing to request access to public records maintained by NORCOM and establish processes for both the requestors and NORCOM staff that are designated to assist members of the public in obtaining such access.

II. POLICY

1. It is the policy of NORCOM to release records in compliance with the Public Records Act and any other applicable provisions of federal or state law. NORCOM provides access to information concerning the conduct of government, being mindful of individuals' privacy rights and the desirability of the efficient administration of government.
2. NORCOM has an assigned public records officer who oversees compliance with the Act, but other NORCOM staff may assist in processing requests at the public records officer's direction.
3. In accordance with the Act, the NORCOM public records officer or designee will do the following:
 - a. Provide fullest assistance to requestors as provided by law.
 - b. Ensure that public records are reasonably protected from damage, destruction, or disorganization.
4. NORCOM is comprised of four distinct divisions, operating at three locations, with equipment at 70 sites, supporting nearly 20 public safety organizations, and serving a population of over 600,000, covering 660 square miles. Each division creates and maintains separate records that are diverse, complex, and stored in multiple locations and in multiple computer systems and databases. As allowed under RCW 42.56.070(4), NORCOM affirms it is unduly burdensome to maintain a central index of these records as required by RCW 42.56.703(3) and will make available for public inspection and copying all indexes maintained for agency use.

III. REQUESTING A PUBLIC RECORD

1. A variety of records are available on the NORCOM's website at www.norcom.org. Requestors are encouraged to view the documents available on the website prior to submitting a records request.

2. Any person wishing to inspect or obtain copies of public records maintained by NORCOM may submit a request using the NORCOM online request system, found at www.norcom.org.
 - a. Requests may also be made:
 - i. Via phone (425) 577- 5672
 - ii. By first-class mail addressed to the Public Records Officer at NORCOM, PO Box 50911, Bellevue, WA 98015
 - iii. Via e-mail to records@norcom.org
 - iv. When accessible - In-person at NORCOM located in the Bellevue City Hall Building at 450 110th Avenue NE, Bellevue, WA 98009, Monday through Friday between 9am and 4pm. Must call from City of Bellevue Service First desk in the city hall lobby as NORCOM has no lobby area.
 - b. Information to include in the request:
 - i. Name and contact information of the requestor (e.g., email address, address, phone number) sufficient for providing notice and delivering records
 - ii. The date of the request
 - iii. Identification of the public records adequate for the public records officer or designee to locate the records
3. The public records officer or designee will confirm receipt of the information and the substance of the request in writing.

IV. PROCESSING OF PUBLIC RECORDS REQUESTS

1. **Processing the Request.** The public records officer or designee will process requests in the order that allows the most requests to be processed in the most efficient manner while preventing excessive interference with other essential functions of NORCOM.
2. **Acknowledging Receipt of the Request.** Within five business days of the receipt of the request, the public records officer will do one or more of the following:
 - a. Make the records available for inspection or copying.
 - b. Provide copies of the responsive records to the requestor.
 - c. Provide a reasonable estimate of when the records or an installment of records will be made available.
 - d. Deny the request, with the reason for the denial.
3. **Seeking or Receiving Clarification.** If the request is unclear or does not sufficiently identify the requested records, the public records officer or designee will seek clarification from the requestor. Additional time required to respond to a request may be based on the need to clarify the intent of the request.
 - a. If the requestor fails to clarify the request within the given timeframe, any portions of the request that are not clear will be considered closed, in accordance with RCW 42.56.520(3).
 - b. Following clarification, the public records officer or designee may revise the estimate of when records will be available.

4. **Records Exempt from Disclosure.** Some records are exempt from disclosure, in whole or in part. If NORCOM believes that a record is exempt from disclosure and should be withheld or redacted, the public records officer will do the following:
 - a. State the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld citing the related Public Records Act section, RCW, or other legal provision.
 - b. If only a portion of a record is exempt from disclosure the public records officer will redact the exempt portions, provide the non-exempt portions, and indicate to the requestor why portions of the record are redacted.
 - c. For informational purposes, following is a current list of laws other than the Public Records Act (RCW 42.56.070(2)) that NORCOM believes might exempt or prohibit disclosure of specific information or records of NORCOM:
 - i. Privileged communications, including attorney-client privilege, RCW 5.60.060
 - ii. Trade secrets, RCW 19.108
 - iii. Juvenile records under certain circumstances, RCW 13.50 RCW
 - iv. Criminal records under certain circumstances, RCW 10.97
 - v. Washington State Patrol information under certain circumstances, RCW 43.43.710
 - vi. Vehicle or driving records in certain circumstances, RCW 46.12.635; RCW 46.52.130
 - vii. Medical records in certain circumstances, RCW 68.50.105; RCW 70.02
 - viii. Records related to reports of abandonment, abuse, financial exploitation, or neglect, RCW 74.34.095
 - ix. Records of a person confined in jail under certain circumstances, RCW 70.48.100
5. **Notice to Others.** Pursuant to RCW 42.56.540, Third Party Notification is provided for most requests when the request involves a party other than the requestor and there is a potential exemption that could be asserted. This does not apply to requests from other Law Enforcement entities or other such privileged parties. Appropriate consideration of RCW 42.56.240(1)(2) is also applied at the discretion of the Executive Director
6. **Automated Requests.** NORCOM may deny or consider for ordering purposes any records request that the agency reasonably believes was generated by a bot, computer program, or script. NORCOM may deny such a request if it reasonably believes that it is one of multiple requests from a requestor within a 24-hour period and that responding to the multiple requests would cause excessive interference with other essential functions of the agency.
7. **Inspection of Records.** NORCOM will provide space to inspect public records upon request. If a requestor wishes to inspect original records at NORCOM's facility rather than receive copies of records, the requestor may contact the public records officer to make arrangements to inspect records.
8. **Providing Copies of Records.** In most cases, the public records officer will respond to a request for public records by providing the requestor with electronic copies of the responsive records via the online records request system. In any given instance, the format and any related fees may vary depending on the circumstances.

9. **Providing Records in Installments.** When the request is for many records or is complex, the public records officer or designee may provide the records in installments.
10. **Closing Withdrawn or Abandoned Request.** When the requestor withdraws the request, fails to clarify an entirely unclear request, fails to make timely payment, or fails to inspect or retrieve an entire set of records or one or more installments within thirty days, the public records officer or designee may stop searching for any remaining records, provide written notice to the requestor that the request is considered abandoned and closed, and administratively close the request.
11. **Later Discovered Documents.** If, after NORCOM has informed the requestor that it has provided all available records, NORCOM becomes aware of additional responsive records existing at the time of the request, it will endeavor to provide them to the requestor.

V. COSTS OF PROVIDING COPIES OF PUBLIC RECORDS

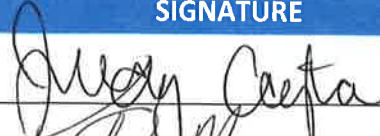

1. There is no fee for inspecting public records.
2. It would be unduly burdensome for NORCOM to calculate its actual costs for providing public records, for the following reasons: the agency does not have a set, singular method of providing records; providing records could involve any number of facilities, services, or staff members; determining actual costs in each instance would require substantial work and divert resources away from timely responding to each request; conducting a cost study would divert limited resources from other essential functions and would not be warranted in light of all the above circumstances; and the statutory rates are reasonable approximations of actual costs. NORCOM therefore adopts the charges set forth in 42.56.120 (2) (b) for providing records. NORCOM will assess charges consistent with the provisions of that statute.
3. Before beginning to make the copies, the public records officer or designee may require a deposit of up to 10 percent of the estimated costs of copying all the records selected by the requestor.
4. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment.
5. Payment may be made by check or money order.
6. NORCOM may waive fees for anything totaling under \$2.00.

VI. REVIEW OF DENIALS OF PUBLIC RECORDS

1. **Petition for Internal Administrative Review of Denial of Access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records officer for a review of that decision within ten (10) business days from the date of the response. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.
2. **Consideration of Petition for Review.** The public records officer shall promptly provide the petition and any other relevant information to NORCOM's Executive Director or their designee. The Executive Director or their designee will consider the petition and either affirm or reverse the denial within two business days or as soon as practicable, or as agreed upon with the requestor.

VII. RECORD RETENTION & DESTRUCTION

1. All NORCOM record retention is governed by chapter 40.14 RCW through the Washington State Local Government Common Records Retention Schedule (CORE), Washington State Law Enforcement Records Retention Schedule and the Washington State Emergency Communications (911) Records Retention Schedule. Most records are retained based upon their content, not the type media or record they are.
2. **Key Communications Center Retention.** NORCOM has established the following record retention schedule for key communication center records that meets or exceeds the following Washington State Emergency Communications (911) Records Retention Schedule.
 - a. Washington State Emergency Communications (911) Records Retention Schedule:
 - i. 911 Audio – 90 days
 - ii. Computer Aided Dispatch Backup Data/Tapes – 3 years after date of backup
 - iii. Computer Automated Dispatch (CAD) Incident Files – 1 year after end of the calendar year
 - iv. Radio Logs – 60 days after date of last entry
 - v. National Criminal Information Center Logs – 1 year after date of last entry
 - vi. Teletypes (incoming and outgoing) – 1 year after end of calendar year
 - b. Washington State Fire Protection and Emergency Medical Services Retention Schedule:
 - i. Radio Logs – 90 days after date of document
 - c. Washington State Law Enforcement Records Retention Schedule:
 - i. All Radio Transmissions – 90 days after conclusion of dispatch action
 - d. Washington State Local Government Common Records Retention Schedule
 - i. Automatic Vehicle Locator (AVL) data – 30 days after last recording (Per User Board AVL is retained for 60 days.)

NAME	SIGNATURE	DATE
Judy Cayton, Human Resources Manager		1/20/2023
Katy Myers, Deputy Director of Administrative Services		1/20/2023
Roky Louie, Deputy Director of Operations		1/20/2023
William Hamilton, Executive Director		1-20-2023

Board Review Date: 01/13/2023