

CHAPTER 5.14

PUBLIC RECORDS

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5.14.010 PURPOSE. The purpose of this chapter is to provide rules for the County to implement the provisions of Chapter 42.56 RCW relating to public records of Benton County and to provide

guidance to the public in obtaining access to public records. RCW 42.56.070(1) requires the County to make available for inspecting and copying non-exempt "public records."
[Ord. 442 (2006) § 1]

5.14.020 PUBLIC RECORDS--COURT DOCUMENTS--NOT APPLICABLE.

This chapter is not intended to provide rules for access to court documents; Chapter 42.56 RCW does not apply to court documents. This chapter is not intended to provide rules regarding access to public records of the State of Washington or the federal government, such as the Judicial Information System (JIS) and the National Crime Information Center (NCIC), even though those documents may be available at computer stations located in Benton County.
[Ord. 442 (2006) § 2]

5.14.030 DEFINITIONS. The definitions set forth in RCW 42.56.010 as hereafter amended shall apply to this chapter.
[Ord. 442 (2006) § 3; Ord. 526 (2013) § 1]

5.14.040 COUNTY FORMATION AND ORGANIZATION. Benton County is formed and organized pursuant to Article XI of the Constitution of the State of Washington and state statutes. The offices, departments, boards and committees of the County are local agencies as defined by RCW 42.56.010(1).

The elected offices and officials of the County include the Board of County Commissioners (with three members), the Assessor, the Auditor, the Coroner, the Prosecuting Attorney, the Sheriff, the Treasurer, the District Court Judges, the Clerk of the Superior Court, and the Superior Court Judges.

The Board of County Commissioners has established and appointed departments, committees and boards including but not limited to the departments of Public Works, Human Services, Personnel, Planning, etc. Each office may have departments that report to one or more elected officials (e.g. the Planning Department reports to the

Board of County Commissioners). The boards and committees of the County include paid employees and volunteer members.

Each of the elected officials of the County operates independently on matters of policy and procedure within the scope of their statutory duties.

[Ord. 442 (2006) § 4; Ord. 526 (2013) § 2]

5.14.050 COUNTY PROCEDURES--LAWS--BENTON COUNTY CODE. The County compiles its procedures and laws in the Benton County Code (BCC). The Benton County Code, together with state law and other policies, state the general course and method by which the operations of the County are channeled and determined, including the nature and requirements to create and retain formal and informal procedures.

[Ord. 442 (2006) § 5]

5.14.060 DOCUMENT FILING SYSTEM--INDEX. Each elected official may develop a system for filing and retrieving documents. This system may or may not include an index of the contents of each file. No such indexing system is required, however, as the Benton County Commissioners passed Resolution 2017-539 explaining why it is unduly burdensome to formulate and maintain every index otherwise required by RCW 42.56.070. The volume of correspondence received by or sent by the County makes it unduly burdensome to maintain an index for all such correspondence. Any person who requests documents is entitled to an explanation of the system for filing and retrieving documents and to review any indices that may exist so that they may identify documents available as public records.

[Ord. 442 (2006) § 6; Ord. 582 (2017) §1]

5.14.070 PUBLIC RECORDS OFFICER CONTACT INFORMATION. Each office of an elected official, department, board, and committee shall have a Public Records Officer with an office at the address set forth below. Any person wishing to request access to public records, or seeking assistance in making a request should contact

the Public Records Officer whose name shall be posted at such address or on the County internet site:

<http://www.co.benton.wa.us>

(a) The Administrator of the Board of County Commissioners is the Public Records Officer for the Board of County Commissioners, unless otherwise specified by resolution. If a Public Records Officer for any other elected office, department, board or committee is unavailable, the Public Records Officer for the Board of County Commissioners may be contacted for assistance. The contact information is:

Public Records Officer
Benton County Board of Commissioners
620 Market Street
Prosser, WA 99350

Phone: (509) 786-5600 or
(509) 736-3080
Fax: (509) 786-5625

(b) The elected official is the Public Records Officer for that official's office, unless the elected official designates in writing another person as the Public Records Officer for that official's office. Contact information is:

[**NOTE**: This section is continued on the following page.]

Benton County Assessor
Public Records Officer
620 Market Street
P. O. Box 902
Prosser, WA 99350

Phone: (509) 786-2046
Fax: (509) 786-5657

or

5600-A West Canal Drive, A101
Kennewick, WA 99336

Phone: (509) 735-2394
Fax: (509) 736-2736

Benton County Auditor
Public Records Officer
620 Market Street
P. O. Box 470
Prosser, WA 99350

Phone: (509) 786-5620 or
(509) 736-2707
Fax: (509) 786-5528 or
(509) 736-2738

Benton County Coroner
Public Records Officer
7122 West Okanogan Place, Bldg A
Kennewick, WA 99336

Phone: (509) 222-3720
Fax: (509) 222-3711

Benton County Superior Court Clerk
Public Records Officer
7122 West Okanogan Place, Bldg A
Kennewick, WA 99336

Phone: (509) 735-8388 or
(509) 783-1058
Fax: (509) 783-1058

Benton County Treasurer
Public Records Officer
620 Market Street
P. O. Box 630
Prosser, WA 99350

Phone: (509) 786-2255 or
(509) 736-3087
Fax: (509) 786-5628

Benton County Sheriff
Public Records Officer
7122 West Okanogan Place, Bldg A
Kennewick, WA 99336

Phone: (509) 735-6555
Fax: (509) 783-5852

Benton County Sheriff
Bureau of Corrections
Public Records Officer
7122 West Okanogan Place, Bldg B
Kennewick, WA 99336

Phone: (509) 783-1451
Fax: (509) 222-3784

Benton County Prosecuting Attorney
Public Records Officer
7122 West Okanogan Place, Bldg A
Kennewick, WA 99336

Phone: (509) 735-3591
Fax: (509) 222-3705

(c) The Public Records Officer of the Superior Court Judges is the Superior Court Administrator. Contact information is:

Public Records Officer
Benton County Superior Court Administrator
7122 West Okanogan Place, Building A
Kennewick, WA 99336

Phone: (509) 736-3071, Ext. 4
Fax: (509) 736-3057

(d) The Public Records Officer of the District Court Judges is the District Court Administrator. Contact information is:

Public Records Officer
Benton County District Court Administrator
7122 West Okanogan Place, Building A
Kennewick, WA 99336

Phone: (509) 735-8476
Fax: (509) 736-3069

(e) Each department head reporting to the Board of County Commissioners is the Public Records Officer for that department, unless the department head designates in writing another person as the Public Records Officer for that department. Contact information is:

[**NOTE:** This section is continued on the following page.]

Director of Benton-Franklin
Counties Human Services Department
Public Records Officer
7102 West Okanogan Place, Suite 201
Kennewick, WA 99336

Phone: (509) 783-5284
Fax: (509) 783-5981

Director of Benton-Franklin
Counties Juvenile Justice Center
Public Records Officer
5606 West Canal Drive, A106
Kennewick, WA 99336

Phone: (509) 783-2151
Fax: (509) 736-2728

Benton County Board of Equalization
Public Records Officer
5600-C West Canal Drive, A105
Kennewick, WA 99336

Phone: (509) 786-5604
Fax: (509) 786-5625 or
(509) 736-3089

Director of Benton County
Information Technology
Public Records Officer
620 Market Street
P. O. Box 509
Prosser, WA 99350

Phone: (509) 786-5603 or
(509) 736-3083
Fax: (509) 786-5601 or
(509) 736-2737

Benton County Noxious Weed Control
Public Records Officer
1215 Dudley Avenue
P. O. Box 311
Prosser, WA 99350

Phone: (509) 786-6988
Fax: (509) 786-6990

Benton County Personnel
Resources Manager
Public Records Officer
7122 West Okanogan Place, Bldg A
Kennewick, WA 99336

Phone: (509) 737-2777
Fax: (509) 737-2278

Director of Benton County
Planning Department
Public Records Officer
1002 Dudley Avenue
Prosser, WA 99350

Phone: (509) 786-5612
Fax: (509) 786-5629

Director of Benton County
Building Department
Public Records Officer
5600 West Canal Drive, Ste C
Kennewick, WA 99336

Phone: (509) 735-3500
Fax: (509) 736-2732

Benton County Civil Service
Commission
Public Records Officer
7122 West Okanogan Place, Bldg A
Kennewick, WA 99336

Phone: (509) 783-5880
Fax: (509) 737-2778

Director of Benton County
Road Department
Public Records Officer
620 Market Street
P. O. Box 1001
Prosser, WA 99350-0954

Phone: (509) 786-5611
Fax: (509) 786-5627

Director of Benton County
Facilities and Parks Department
Public Records Officer
7122 West Okanogan Place, Bldg A
Kennewick, WA 99336

Phone: (509) 783-3118
Fax: (509) 736-2708

Director of Benton County
Sustainable Development
Public Records Officer
7122 West Okanogan Place, Bldg A
Kennewick, WA 99336

Phone: (509) 736-3053
Fax: (509) 736-2708

Benton County Fairgrounds
Public Records Officer
1500 S. Oak
Kennewick, WA 99337

Phone: (509) 586-9211
Fax: (509) 582-1894

Washington State University
Benton County Extension
Public Records Officer
1121 Dudley Avenue
Prosser, WA 99350

Phone: (509) 786-5609
Fax: (509) 786-5525

Benton County Horticultural and
Pest Disease Control Board
Public Records Officer
1121 Dudley Avenue
Prosser, WA 99350

Phone: (509) 785-5609
Fax: (509) 786-5525

or

7102 W. Okanogan Place, Suite 102
Kennewick, WA 99336

Phone: (509) 735-3551
Fax: (509) 736-2731

(f) The Administrator of the Board of County Commissioners is the Public Records Officer for every board or committee not listed herein that is appointed by and reports to the Board of County Commissioners, unless otherwise specified by resolution.

[Ord. 442 (2006) § 7; Ord. 526 (2013) § 3; Ord. 582 (2017) §2]

5.14.080 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of Chapter 42.56 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(a) All requests for public records shall be directed to the Public Records Officer for the office of the County where the record is located. If the location of the record is unknown, then the request should be made to the Public Records Officer for the Board of County Commissioners.

(b) Many requests for public records can be handled quickly and informally without the need for a formal written request. For simple requests to look at a document or get a copy of a particular document, the Public Records Officer may respond to a verbal request. All responses to verbal requests shall be documented by the Public Records Officer. A Public Records Officer may request that any verbal request be put in writing if there is any uncertainty regarding the request. If a requester fails to put the request in writing, the Public Records Officer must still timely respond to the verbal request and document it.

(c) The Public Records Officer should request a signed, written request for:

- (1) all requests in which the response may exceed twenty-five (25) pages or one (1) gigabyte of data;
- (2) any request for oversized documents;
- (3) any request that is not for a specifically identified document;
- (4) any request for a document that has portions that may be exempt from disclosure;
- (5) any request for a list of names; and
- (6) any request concerning a topic that is the subject of a current or anticipated claim or litigation.

A written request helps the County make sure that the requester gets all the records he or she has requested, and assists the Public Records Officer in assuring that any decision to withhold records is properly made and that the copying charges are accurate. Refusal to submit a written request may delay the process by necessitating additional correspondence to clarify the request.

(d) It is encouraged that the requester make a written request for public records on the "public records request" form provided by the County, though no official format is required to make a records request. A uniform form is available from the Public Records Officer. The form is also available at the County's internet site as provided in BCC 5.14.170. The requester may also submit a written request via e-mail or letter to the Public Records Officer that contains the information listed in BCC 5.14.080(e).

(e) A requester's written request should include the following information:

(1) The requestor's name, address, and other contact information, including telephone number and any e-mail address.

(2) The date and time the requestor submits the request.

(3) A clear indication that the requestor is requesting public records pursuant to the Public Records Act, such as by heading or titling the request "A Public Records Request", to help make sure that the request is handled properly. Requests for public records should not be combined with communications for other purposes. An e-mail request should contain the subject line "Public Records Request."

(4) Whether the requester wants to inspect the public records, get copies, or both.

(5) A clear description of the public records wanted so that the Public Records Officer and staff can find the records. The description should, if possible, include the date or time period of creation of the records, if known, and the departments of the County or office of the County official who may have the public records.

(6) If the request is for a list of names and/or addresses, a signed statement, under the penalty of perjury, that the list will not be used for any commercial purposes.

(f) The Public Records Officer will make a reasonable effort to assist in identifying and describing the filing systems of the County to assist the requester in describing the requested documents.

(g) A request for inspection of public records in data-bases that are maintained by the State of Washington or any other governmental agency, will be subject to such additional rules and regulations of that agency. As an example, the Judicial Information Services (JIS) assembled information available through the County Clerk. The forms required for inspection and the fees charged for inspection or copying are set by the state agency, not by this chapter.

(h) There is no obligation to provide duplicate copies of a public record.

(i) Public records are available for inspection and copying during normal business hours of Benton County offices. Though some offices may operate different hours, the generally applicable normal business hours are:

Monday - Friday	8:30 a.m. - 4:30 p.m.
except from	12:00 p.m. - 1:00 p.m. and
except	legal holidays

[Ord. 442 (2006) § 8; Ord. 526 (2013) § 4; Ord. 582 (2017) §3]

5.14.090 RESPONSE TO PUBLIC RECORDS REQUESTS. The Public Records Officer shall respond promptly to requests for disclosure. There is no obligation to immediately provide a requested record on demand.

(a) Upon receipt of a public records request, the Public Records Officer will respond in writing within five (5) business days by:

- (1) providing the record; or
- (2) providing an internet address and link to the County's internet site to the specific records requested, except if the requester notifies the County that he or she cannot access the records, then the County shall provide copies of the record or allow the requester to view copies using a County computer; or
- (3) acknowledging that the office has received the request and providing a reasonable estimate of the additional time for the reason(s) set forth below in BCC 5.14.090(c) that he or she will require to respond to the request; or
- (4) acknowledging that the office has received the request and asking the requestor to provide clarification for a request that is unclear, and providing to the greatest extent possible a reasonable estimate of the time the office will require to respond to the request if it is not clarified; or
- (5) denying the public records request in whole or in part.

(b) The Public Records Officer may redact exempt portions of requested records and provide non-exempt portions. Any response by a Public Records Officer refusing in whole or in part the inspection or copying of a public record shall be in writing and include a statement of the specific exemption authorizing the withholding of the record (or any part) and a brief explanation of how the exemption applies to the record(s) or portion thereof that is withheld.

(c) The Public Records Officer may need additional time to respond to a request based upon the need to:

- (1) clarify the intent of the request;
- (2) locate and assemble the records requested;

(3) notify third persons or agencies whose rights may be affected by the inspection or disclosure of the records;

(4) determine whether any of the records or portions thereof are exempt and that a denial should be made as to all or part of the request; or

(5) forward the request to a specific department or office that the Public Records Officer knows may have the requested records.

(d) A Public Records Officer shall, after providing a written response to the requester that his or her office does not have the requested public record, forward the request to any other County department, office, commission, or board that the Public Records Officer knows or believes may possess the requested record(s).

(e) If a public records request is unclear, the Public Records Officer may ask the requester in writing to clarify what records the requester is seeking. If the requester fails to respond to the Public Records Officer's request to clarify the request, and the entire request is unclear, the Public Records Officer shall close the request and indicate in writing to the requester that the request is closed. Otherwise, the Public Records Officer must respond to those portions of the request that are clear in accordance with this section.

(f) In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the Public Records Officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requester and ask him or her to revise the request or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected person shall identify the request or include a copy of the request.

(g) The person seeking disclosure shall be entitled to petition the Benton County Prosecuting Attorney for a review of any time estimate given by a County Public Records Officer or seek redress as allowed in Chapter 42.56 RCW if the Public Records Officer responds to the request by providing an estimate of the time required to respond to the request and the requester feels the amount of time stated is not reasonable.

(h) Each Public Records Officer, Elected Official's office, Department, Board, or Committee will provide space to inspect public records. No member of the public may remove an original document from such place. The requester shall indicate which documents he or she wishes the agency to copy.

(i) When the request is for a large number of records, the Public Records Officer may provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, upon notification that an installment is available for inspection or installment copies are available for release upon payment of applicable costs, the requester fails within thirty (30) days to inspect the entire set of records or one or more of the installments, or fails to pay the applicable costs, the Public Records Officer, or designee, may stop searching for the remaining records, if any, and close the request.

(j) When the inspection of requested records is complete and all requested copies are provided, the Public Records Officer will indicate that the applicable Elected Office, Department, Commission, or Board has completed a diligent search for the requested records and made any located non-exempt records available for inspection.

(k) The Public Records Officer shall promptly notify the Benton County Prosecuting Attorney when a request for public records concerns a subject that is known to the Public Records Officer to involve a claim or lawsuit that is pending or anticipated. The Public Records Officer shall deliver a copy of the request, a copy of the written response, including all documents provided to the Prosecuting Attorney. There shall be no charge to the requesting party for copies delivered to the Prosecuting Attorney.

(l) When the requester either withdraws the request or fails to fulfill his or her obligations to inspect the records, pay the deposit, or pay for requested copies, the Public Records Officer may close the request and shall indicate in writing to the requester that the request is closed.

(m) If, after the Public Records Officer has informed the requester that all responsive, non-exempt records have been provided, the Elected office, Department, Board, or Commission

becomes aware of additional responsive documents that existed at the time of the request, the Public Records Officer for that local agency will promptly inform the requester in writing of the additional documents.

[Ord. 442 (2006) § 9; Ord. 526 (2013) § 5; Ord. 582 (2017) §4]

5.14.110 FEES--NO FEE REQUIRED IN CERTAIN INSTANCES. No fee may be charged for the following activities:

- (a) inspection of a public record;
- (b) locating public records and making them available for copying;
- (c) searching for public records;
- (d) redacting portions of the record which are exempt from disclosure;
- (e) preparing an index of exempt documents; or
- (f) communicating with any individual(s) pursuant to BCC 5.14.090(a)(3), BCC 5.14.090(d), BCC 5.14.090(e) or BCC 5.14.090(f).

[Ord. 442 (2006) § 11; Ord. 582 (2017) §6]

5.14.120 FEES--COPIES OF PUBLIC RECORDS. (a) Except as otherwise allowed in BCC 5.14.130, a reasonable fee shall be charged to reimburse the County for the costs of providing copies of public records, including any mailing, delivery, or transmission costs. Payment shall be made by cash, check, or money order payable to "Benton County Treasurer."

(b) Pursuant to RCW 42.56.120 and Benton County Resolution 2017-538, the County has determined that calculating the County's actual costs of copying public records is unduly burdensome. Accordingly, the County's adopted fee schedule provides for the fees authorized in RCW 42.56.120 for copying and providing public records. The following fee schedule is applicable to public records requests unless the copying is done by a third person for hire or a different fee is fixed by this chapter or federal or state law.

TABLE 5.14-1 FEE SCHEDULE

Photocopies of public records	\$0.15 per page
Printed copies of electronic public records printed at the request of the requestor	\$0.15 per page
Use by the requestor of County equipment to photocopy public records	\$0.15 per page
Public records scanned into an electronic format	\$0.10 per page

Use by the requestor of County equipment to scan the public records	\$0.10 per page
Electronic files or attachments uploaded to e-mail, cloud-based data storage service, or other means of electronic delivery	\$0.05 per each four (4) files or attachments
Transmission of public records in an electronic format	\$0.10 per gigabyte
Use by the requestor of County equipment to send public records electronically	\$0.10 per gigabyte
Digital storage media or device provided by the County	Actual Cost
Container or envelope used to mail copies of public records to requestor	Actual Cost
Postage or Delivery Charge	Actual Cost

The charges in the above fee schedule may be combined to the extent that more than one type of charge applies to copies produced in response to a particular request.

(c) Any request for physical copies of more than twenty-five (25) pages of documents, any oversized documents, physical copies of photographs, recorded images or sounds, or computer disks or any other record that cannot be copied, duplicated, or redacted with the County's equipment may be sent by the County to a private vendor for copying or duplication, in which case the fee shall be the actual charge imposed by the private vendor for copying, plus

applicable taxes and shipping costs. The Public Records Officer may require that all charges be paid in advance of the release of the copies.

(d) The fee for providing a copy of public records may be set by state statute or federal law. Where the state or federal law sets a fee for providing a copy of a record, that fee will be charged.

Examples of fees set by state law are the fees for:

- (1) death certificates (RCW 70.58.107);
- (2) court papers (RCW 3.62.060) (RCW 36.18 and CR 17(4));
- (3) duplication of electronic tapes of a court proceeding (RCW 3.62.060);
- (4) traffic accident reports (RCW 46.52.085); and
- (5) criminal history information (RCW 10.97.100).

(e) Before beginning to copy the requested records, the Public Records Officer or designee may require the requestor to pay a deposit of up to ten (10) percent of the estimated copying costs of all records selected for copying by the requester. The Public Records Office can require payment of the deposit before copying an installment of the records or the entire request. When copying is completed, the Public Records Officer or designee may require payment of the remainder of the copying costs before providing the records. No sales tax may be charged.

(f) If a Public Records Officer provides records in installments, the Public Records Officer may charge and collect all applicable copying fees for each installment prior to providing the installment to the requestor.

(g)(1) In addition to other charges that may be assessed, the Public Records Office may impose a customized service charge for providing records. A customized service charge may be imposed for public records requests requiring the use of information technology expertise to prepare data compilations or to provide customized electronic access services, when such compilations or services are not used by the County for other County purposes. A customized service charge may be used to reimburse the County up to the actual cost of providing the compilations or services.

(2) Prior to imposing a customized service charge, the Public Records Officer must notify the requestor of the customized service charge applicable to the request. The notice to the requestor must include: an explanation of why the customized service charge applies; a description of the specific expertise involved; a reasonable estimate cost of the charge; and notice to the requestor that he or she may amend the request in order to avoid or reduce the cost of the customized service charge and an opportunity to do so.

(h) A requestor may ask the Public Records Officer to provide a summary of the charges applicable to his or her request before any copies are made, and the requestor may revise the request to reduce the number of copies to be made and the applicable charges. The Public Records Officer shall provide such a summary upon request. [Ord. 442 (2006) § 12; Ord. 582 (2017) §7]

5.14.130 FEES--WAIVER OF FEES. The Public Records Officer may waive applicable fees when the total number of records selected by the requestor for copying comprise fewer than twenty-five (25) pages on the basis that the expense of processing the payment exceeds the costs of providing the copies. [Ord. 442 (2006) § 13; Ord. 582 (2017) §8]

5.14.140 PROTECTION OF PUBLIC RECORDS. (a) The Public Records Officer shall, to the extent practicable, insure that records requested are not removed from the premises nor portions thereof removed by members of the public except as necessary to make copies by a public employee or private copy business. Documents shall not be released to the public for the purpose of allowing the person making the request to make copies.

(b) No public records shall be filed or retained at any location other than in County-owned or leased property. Any public record that is prepared or received at an off-site location, such as a residence, shall be promptly delivered to the appropriate County office for filing.

[Ord. 442 (2006) § 14]

5.14.150 EXEMPTIONS. Chapter 42.56 RCW and other laws provide that types of records are exempt from public inspection and copying.

(a) The County hereby adopts the list of exemption and prohibition statues not listed in Chapter 42.56 RCW maintained and published by the Municipal Research and Services Center (MRSC) as the list containing every law, other than those listed in Chapter 42.56 RCW, that the County believes exempts or prohibits disclosure of specific information or public records held by the County. Any elected official or department head may establish their own list if they so choose.

(b) If a Public Records Officer determines that all or part of any records should not be disclosed pursuant to Chapter 42.56 RCW or other law, the Public Records Officer shall consult with the Prosecuting Attorney's Office prior to denying the request or redacting information from a public record.

[Ord. 442 (2006) § 15; Ord. 582 (2017) §9]

5.14.160 DENIAL OF PUBLIC RECORDS REQUESTS--OBJECTION--REVIEW. (a) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review to the Prosecuting Attorney

for the County. The written request shall specifically refer to the written statement by the Public Records Officer or other staff member which constituted or accompanied the denial.

(b) Upon receiving a written request for review of a decision denying a public record, the Prosecuting Attorney for the County shall request a response from the Public Records Officer or other staff member denying the request. The Prosecuting Attorney, or his or her designee, shall consider the matter and either affirm or reverse such denial within two (2) business days following the receipt of the written request for review of the denial of the public record.

(c) Administrative remedies shall not be considered exhausted until the Prosecuting Attorney or his or her designee has made a written decision, or until the close of the second (2nd) business day following receipt of the written request for review of the denial of the public record, whichever occurs first.
[Ord. 442 (2006) § 16; Ord. 526 (2013) § 7]

5.14.170 ADOPTION OF FORM--REQUEST FOR PUBLIC RECORDS. The County hereby adopts for use by all persons requesting inspection and/or copies of records of any official or department of the County the form entitled "Request for Public Records." See attached Exhibit A. The form will be maintained by the Benton County Prosecuting Attorney.

The form is available at the County's general website at:

<http://www.co.benton.wa.us>

[Ord. 442 (2006) § 17; Ord. 526 (2013) § 8]

5.14.180 PUBLIC RECORDS ACT--PAMPHLET AVAILABILITY. The Office of the Attorney General has a pamphlet available, written in plain language, explaining the provisions of the Public Records Act. Requests for a copy of the pamphlet should be directed to the Public Records Officer, Office of the Attorney General, P.O. Box 40100, Olympia, Washington 98504-0100. Additionally, a desk book pertaining to the Public Records Act is available at the website for the Washington State Attorney General.
[Ord. 442 (2006) § 18]

5.14.190 RETENTION AND DESTRUCTION OF PUBLIC RECORDS. The Washington State Archivist has developed retention schedules for many categories of local government records including e-mail and electronic records. Records of the County should be retained and destroyed consistent with the retention schedules. Copies of the retention schedules are available from Archives and Records Management of the Office of the Secretary of State and online at the state website. If a public record request is made at a time when a record exists, but is scheduled for destruction in the near future, the Public Records Officer shall direct that the record be retained until the request is resolved.

E-mail is not necessarily a records storage system. E-mails that constitute public records must be maintained in accordance with the policy set forth by the Board of County Commissioners which is currently reflected in Resolution No. 2017-539. This policy may be changed from time to time at the discretion of the Board.

Backup copies of public records performed by central services staff are not a substitute for records retention. Backups are for disaster recovery only.
[Ord. 442 (2006) § 19; Ord. 582 (2017) §10]

5.14.200 EXEMPTIONS--GENERAL GUIDELINES FOR COMMON EXEMPTIONS. (a) Public Records Officers shall regularly read and consult the list of exemption and prohibition statutes not listed in Chapter 42.56 RCW maintained and published by the Municipal Research and Services Center and adopted by reference by the County, as provided in BCC 5.14.150. Public Records Officers shall be familiar with applicable provisions that exempt or prohibit disclosure of documents or information in public records.

(b) Listed below are the subjects of some frequently applicable exemptions that may present concerns regarding disclosure. Any denial of a request for public records must state the state statute, federal statute, or common law basis for such denial.

(c) If a request concerns any of the following topics, the Public Records Officer should consult with the Prosecuting Attorney prior to responding to a public records request:

- Job application materials;
- Residential addresses and personal phone numbers of employees and volunteers;
- Certain information in personnel files of current and retired employees and volunteers;
- Private communications of current and former employees;
- Taxpayer information that is private;
- Records compiled by law enforcement, probation officers and code enforcement officers for ongoing investigations;
- Identity of witness to a crime or persons who file complaints with investigation and law enforcement agencies including the sheriff, prosecuting attorney and code enforcement officers;
- Test questions scoring keys or information for employment examinations;
- Real estate appraisals made for an agency relative to the acquisition or sale of property;
- Valuable designs, formulae, drawings and research data;
- Preliminary drafts, notes, recommendations in which opinions are expressed as part of the deliberative process;
- Attorney work product pertaining to pending, threatened or completed litigation;
- Records, maps or other information identifying the location of archeological sites;
- Complaints and investigative records compiled in connection with claims of discrimination in employment;
- Credit card numbers;
- Records prepared to prevent, mitigate or respond to criminal terrorist acts;

- Information regarding the infrastructure and security of telecommunication networks;
- Medical records and information;
- Information pertaining to victims of crime;
- Information regarding organized crime;
- Traffic accident reports prepared by citizens;
- Industrial insurance claim files and records;
- Identity of child victims of sexual assault;
- Jail Records; and
- Criminal history report.

[Ord. 442 (2006) § 20; Ord. 582 (2017) §11]

5.14.210 SEVERABILITY. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby.

[Ord. 442 (2006) § 21]

5.14.220 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.

[Ord. 442 (2006) § 22]

[**NOTE:** This chapter is continued on the following page.]

- Request: was forwarded to Prosecuting Attorney's Office for assistance.
 was NOT forwarded to Prosecuting Attorney's Office for assistance.
- Records: are available for inspection or copying (attach copy of letter to requestor required by BCC 5.14.090(a)(1) or BCC 5.14.090(a)(2)).
- are not identifiable and a request for clarification was made on this date _____ by e-mail or letter (attach copy of email or letter to requestor BCC 5.14.090(a)(4))
- may be available, but more time is needed to respond (attach copy of letter to requestor required by BCC 5.14.090(a)(3));
- are not available because they are exempt (attach copy of letter to requestor required by BCC 5.14.090(a)(5));
- partially available for inspection or copying as some portion of the records are exempt and have been withheld and/or redacted (attach copy of letter to requestor required by BCC 5.14.090(a)(5));
- are not available because no responsive records exist (attach copy of letter to requestor required by BCC 5.14.090(a)(5)).

Signature of Records Officer

Date

- Request closed because: copies were inspected or provided to requestor;
 no response was received to request for clarification and requestor was notified request has been closed (attach copy of closure letter to requestor required by BCC 5.14.090(e));
 records were exempt in their entirety and requestor was notified of exemptions;
 no payment was received from requestor and requestor was notified that the request has been closed (attach copy of closure letter to requestor BCC 5.14.090(l)).

Signature of Records Officer (or Prosecuting Attorney
if request handled by PA's office)

Date