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See Also: RCW 42.56.570(2) and (3); RCW 42.56.040 through /42.56.570

Approved by: Clark Gilman
 Clark Gilman, Chair

Emily Bergkamp
 Emily Bergkamp, Interim General Manager

Written by: Rhodetta Seward
 Updated by: Amanda Collins

REQUESTING PUBLIC RECORDS

This policy applies to all persons requesting public records of Intercity Transit and to those personnel providing public record(s).

1. Purpose

Intercity Transit is required by [RCW 42.56.100](#) to adopt and enforce reasonable rules and regulations consistent with the intent of the Washington State Public Records Act (PRA), referenced in [RCW 42.56](#) and the Model Rules of [WAC 44-14](#). The agency is required to provide the public with full access to information concerning the conduct of agency business, mindful of individuals' privacy rights, while preventing excessive interference with essential functions of the agency. The PRA provides a statutory framework by which to administer access to public records.

2. Reference

[RCW 42.56](#), Public Records Act; and

[Chapter 44-14](#), WAC Public Records Act - Model Rules

3. Policy

Intercity Transit shall provide for inspection and copying of identifiable public records as provided in this policy and procedure, unless such records are exempt from disclosure under [RCW 42.56](#), or other law under which disclosure is regulated. Agency staff shall provide the fullest assistance to requestors in obtaining the public records they seek. Intercity Transit reserves the right to revise or change the policy at any time. Failure to comply with any provision of these rules shall not result in any liability imposed upon the agency other than that required in the PRA.

4. Responsibility/Authority

4.1 Public Records Officer

Any person requesting access to Intercity Transit records or seeking assistance in making such a request must contact:

Amanda Collins, Public Records Officer

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510 Pattison Street SE
Olympia, WA 98501
Phone: (360) 357-1532
Email: acollins@intercitytransit.com
Hours: 8:00 am – 4:30 pm, Monday through Friday

4.2 Agency Staff

Agency staff will provide assistance to requestors, reasonably ensure that public records are protected from damage or disorganization and prevent fulfilling public records requests from causing excessive interference with essential function of Intercity Transit. Agency staff will be responsible and held accountable to meet the agency's responsibilities of this policy.

4.3 Agency Offices

Intercity Transit is a special purpose district. Intercity Transit's administrative office for requesting records is located at 510 Pattison ST SE, Olympia, WA 98501.

Authority and Purpose. WAC 44-14-010

- (1) RCW 42.56.070(1) requires Intercity Transit to make available for inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public records" to include 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 Intercity Transit. RCW 42.56.070(2) requires Intercity Transit to set forth "for informational purposes" every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public records held by Intercity Transit.
- (2) The purpose of these rules is to establish the procedures Intercity Transit will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of Intercity Transit and establish processes for both requestors and Intercity Transit staff designated to best assist members of the public in obtaining such access.
- (3) The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' 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, Intercity Transit will be guided by the provisions of the act describing its purposes and interpretation.

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Agency Description – Contact Information – Public Records Officer. WAC 44-14-020

- (1) Intercity Transit provides public transportation services to the Public Transportation Benefit Area within Thurston County. Intercity Transit's administrative office is located at 510 Pattison SE, Olympia, WA 98501. Intercity Transit also manages the Olympia Transit Center on State Avenue between Franklin and Washington Streets, and the Lacey Transit Center, downtown Lacey, just off Sleater-Kinney Road, at the corner of 6th Avenue and Golf Club Place.
- (2) Requests for identifiable records may be made in person during normal office hours, by mail, or by email. Any person wishing to request access to public records of Intercity Transit, or seeking assistance shall contact or direct such requests to the Public Records Officer of Intercity Transit:

Public Records Officer
Intercity Transit
PO Box 659
510 Pattison SE
Olympia, WA 98507-0659
Phone: (360) 786-1881
Email: publicrecordsrequest@intercitytransit.com

- (3) Information is also available at Intercity Transit's website: www.intercitytransit.com.
- (4) The Public Records Officer will oversee compliance with the act, but another Intercity Transit staff member may process the request. Therefore, these rules will refer to the Public Records Officer "or designee." The Public Records Officer or designee and Intercity Transit will provide the "fullest assistance" to requestors; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of Intercity Transit.

Availability of Public Records. WAC 44-14-030

- (1) *Hours for inspection of records.* Public records may be requested in person and will be made available for inspection and copying by appointment during designated business hours, Monday-Friday, 9:00 a.m. to 3:00 p.m., excluding legal holidays. Records must be inspected at the offices of Intercity Transit.
- (2) *Records Index.* The Intercity Transit Authority has issued Order 01-2007 as authorized by RCW 42.56.070 that declares maintaining a current public records

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index would be unduly burdensome, if not physically impossible for the agency. Intercity Transit staff will give the public the fullest assistance practicable in identifying and disclosing public records.

- (3) *Organization of records.* Intercity Transit will maintain its records in a reasonably organized manner. Intercity Transit will take reasonable actions to protect records from damage and disorganization. A requestor shall not take Intercity Transit records from Intercity Transit offices without the permission of the Public Records Officer or designee. A variety of records are available on Intercity Transit's web site at www.intercitytransit.com. Requestors are encouraged to view documents on the website prior to submitting a records request.
- (4) *Making a request for public records.* Any person wishing to inspect or copy public records of Intercity Transit should make the request in writing on Intercity Transit's request form, by letter, or e-mail addressed to the Public Records Officer and include the following information:
 - a. Name of requestor;
 - b. Address of requestor;
 - c. Other contact information, including telephone number and any e-mail address;
 - d. Identification of the public records adequate for the Public Records Officer or designee to identify and locate the records; and
 - e. Date of the request.

A public records request must be for identifiable records. A request for all or substantially all records prepared, owned, used, or retained by Intercity Transit is not a valid request for identifiable records, provided that a request for all records regarding a particular topic or containing a particular keyword or name shall not be considered a request for all of an agency's records.

If the requestor wishes to have copies of the records made instead of simply inspecting them, they should so indicate and make arrangements to pay for copies of the records or a deposit RCW 42.56.120(4). Fees are 15 cents per page for printed copies, 10 cents per page for scanned copies, 5 cents for each (4) electronic files or attachments, and 10 cents per gigabyte for video. Fees will be charged for any request over \$1.00.

The Public Records Officer or designee may provide copies of Intercity Transit records at no charge to individuals or government agencies doing business with Intercity Transit, if the Public Records Officer or designee determines such action is in the best interests of Intercity Transit.

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A form is available for use by requestors at the office of the Public Records Officer and online at <https://www.intercitytransit.com/business/public-records-requests>

The public records officer or designee may accept requests for public records that contain the above information by telephone, email, or in person. If the Public Records Officer or designee accepts such a request, they will confirm receipt of the information and the substance of the request in writing.

Processing of Public Records Requests – General. WAC 44-14-040

- (1) *Providing "fullest assistance."* Intercity Transit is charged by statute with adopting rules which provide for how it will "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The Public Records Officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.
- (2) Upon receipt of a request, Intercity Transit will assign it a tracking number and log it in.
- (3) The Public Records Officer or designee will evaluate the request according to the nature of the request, volume, and availability of requested records.
- (4) *Acknowledging receipt of request.* Within five business days of 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; or
 - b. If available on Intercity Transit's website, provide an internet address and link on the website to specific records requested; or
 - c. If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor; or
 - d. Provide a reasonable estimate of when records or an installment of records will be available; or
 - e. If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The Public Records Officer or designee may revise the estimate of when records will be available; or
 - f. Deny the request.
- (5) *Consequences of failure to respond.* If Intercity Transit does not respond in writing within five business days of receipt of the request for disclosure, the requestor

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- should consider contacting the Public Records Officer to determine the reason for the failure to respond.
- (6) *Protecting rights of others.* If 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 third-party notice to such others whose rights may be affected by the disclosure. Such notice will generally be provided ten (10) days prior to disclosure and should be given to make it possible for those third parties to contact the requestor and ask them to revise the request, or, if necessary, seek an order from a court to prevent or limit disclosure. The notice to the third-party will include a copy of the request. For requests seeking records located exclusively in an employee's personnel, payroll, supervisor, or training file, third party notice will be provided to the employee, any union representing the employee, and to the requestor.
- (7) *Records exempt from disclosure.* Some records are exempt from disclosure, in whole or in part. If Intercity Transit believes that a record is exempt from disclosure and should be withheld, the Public Records Officer will identify the record or portion thereof which is claimed to be exempt, state the specific exemption, and provide a brief explanation of why the record or a portion of the record is being withheld. 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.
- (8) *Inspection of records.* Consistent with other demands, Intercity Transit shall promptly provide space to inspect 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 agency to copy.

The requestor must claim or review the responsive records within thirty days of Intercity Transit's notification that the records are available for inspection or copying. The agency will notify the requestor in writing of this requirement and inform the requestor that they should contact the agency 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, Intercity Transit may close the request and re-file the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

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- (9) *Providing copies of records.* After inspection is complete, the Public Records Officer or designee shall make the requested copies or arrange for copying.
- (10) *Providing records in installments.* When the request is for a large number of records, the Public Records Officer or designee will provide access for inspection and copying in installments, if it is reasonably determined that it would be practical to provide the records in that way. If, within thirty 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.
- (11) *Completion of inspection.* When the inspection of the requested records is complete and all requested copies are provided, the Public Records Officer or designee will indicate that Intercity Transit has completed a diligent search for the requested records and made any located nonexempt records available for inspection.
- (12) *Closing withdrawn or abandoned request.* 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 Intercity Transit has closed the request.
- (13) *Later discovered documents.* If, after Intercity Transit has informed the requestor that it has provided all available records, Intercity Transit becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

Electronic Records. WAC 44-14-050

- (1) *Requesting electronic records.* The process for requesting electronic public records is the same as for requesting paper public records.
- (2) *Providing electronic records.* When a requestor requests records in an electronic format, 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 the (name of agency) and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record. Costs for providing electronic records are governed by RCW 42.56.120 and 42.56.130. The fee schedule is available at <https://www.intercitytransit.com/business/public-records-requests>.
- (3) *Customized electronic access services.* While not required, and with the consent of the requestor, the (name of agency) may decide to provide customized electronic access

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services and assess charges under RCW 42.56.120 (2)(f). A customized service charge applies only if Intercity Transit estimates that the request would require the use of information technology expertise to prepare data compilations or provide customized electronic access services when such compilations and customized access services are not used by the agency for other purposes. Intercity Transit may charge a fee consistent with RCW 42.56.120 (2)(f) for such customized access. The fee schedule is available at <https://www.intercitytransit.com/business/public-records-requests>.

Exemptions. WAC 44-14-060

- (1) The Public Records Act provides that several types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by Intercity Transit for inspection and copying.

This list does not necessarily include all disclosure exemptions that may apply to Intercity Transit records.

Exempt Record	Legal Authority
Attorney Client Privilege & Privileged Communications	RCW 5.60.060 and RCW 5.60.060(2)(a)
Attorney Work Product	RCW 42.56.290.
Trade Secrets (Under Uniform Trade Secrets Act)	RCW Chapter 19.108
Private Keys Used to Create Digital Signatures	RCW 19.34
Records Identifying Location of Archaeological Sites	RCW 27.52.070
Identity of Employee Reporting Alleged Improper Governmental Action (Whistleblower Statute)	RCW 42.41.030
Self Insurance or Risk Pool Funds Available to Satisfy a Claim	RCW 48.62.101
Records From State Employment Security Department	RCW 50.13

- (2) Intercity Transit is prohibited by statute from disclosing lists of individuals for commercial purposes. RCW

Costs of Providing Copies of Public Records. WAC 44-14-070

- (1) *Costs for paper records.* There is no fee for inspecting public records. A requestor may obtain standard black and white photocopies for fifteen cents per page.
- (2) *Costs for electronic records.* There is no fee for inspecting public records. The cost of electronic copies of records shall be five cents per each four (4) electronic files or attachments uploaded to email, cloud-based data storage service, or other means of

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electronic delivery. A fee of ten cents per gigabyte will be charged for the transmission of public records in an electronic format or for the use of agency equipment to send the records electronically.

- (3) Intercity Transit charges actual costs for nonstandard copies to include, but not limited to color copies, engineering drawings, maps, and photographs. A statement of the factors and the manner used to determine this charge is available from the Public Records Officer.
- (4) *Deposit and Installments.* Before beginning to make the copies, the Public Records Officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. 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. Intercity Transit will not charge sales tax when it makes copies of public records.
- (5) *Costs of materials.* Intercity Transit may also charge actual costs of digital storage media or devices, cost of postage or delivery fees for mailing records, and the cost of the shipping container or envelope used to mail records to the requestor.
- (6) *Customized service charge.* In addition to the charge imposed for providing copies of public records and for the use by any person of agency equipment copying costs, an agency may include a customized service charge. A customized service charge may be imposed if the agency estimates that the request would require the use of information technology expertise to prepare data compilations or provide customized electronic access services when such compilations and customized access services are not used by the agency for other agency purposes. Intercity Transit will charge the actual cost of providing the services.
- (7) *Payment.* Payment may be made by cash, check, or money order payable to Intercity Transit.
- (8) Intercity Transit reserves the right to send records to an outside vendor to make copies, or scan records into an electronic format if it determines, in its sole discretion, that it is necessary given available agency resources or it determines that an outside vendor can complete the project more quickly and less expensively than Intercity Transit. In such cases, the requestor will be charged the actual Intercity Transit may arrange with the requestor to pay the vendor directly.

Review of Denials of Public Records. WAC 44-14-080

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- (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. 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 the General Manager. The General Manager will immediately consider the petition and either affirm or reverse the denial within two business days following Intercity Transit's receipt of the petition, or within such other time as Intercity Transit and the requestor mutually agree to.
- (3) *Judicial review.* Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550.

Public Form for Records Requests

A requestor of public records may use the Public Records Request form to submit their request for records to the public records officer. A requestor may find the form on Intercity Transit's website, <https://www.intercitytransit.com/business/public-records-requests>, or they may request the form be sent electronically, or pick up a copy of the form at Intercity Transit's administrative office located at 510 Pattison SE, Olympia, WA.

Employees May Authorize Release of Exempt Personnel Information

When a requestor requests public records regarding an employee, and if the records requested are exempt from disclosure, the employee may authorize release of the respective record(s) without redaction.



PUBLIC RECORDS REQUEST FORM

Name :	Date :	
Address :		
City :	State :	Zip Code:
Phone :	Email (Required) * :	

REQUESTING VIDEO:

If you are requesting **video** please provide the information requested below to assist in locating the correct video :

Date :	Time :	Route # :	Coach # :
Location you boarded bus :		Location you exited the bus :	
Where you were sitting :			
Your physical description :			
Description of any item you are attempting to locate :			
Any additional information that may assist in searching video :			

REQUESTING DOCUMENTS:

If you are requesting **documents** please provide a detailed description of the documents below:

Please let us know if you would like to review records or receive copies by checking the appropriate box:

Review Only: or Request Copies: (fees for electronic delivery: \$0.05/ 4 electronic files, \$0.10/ 1 scanned file)

I, the undersigned do declare as follows: I understand and acknowledge that Washington State law, RCW 42.56.070(9) prohibits the use of lists of individuals for commercial purposes. Any records obtained will not be used for commercial purposes. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Requestor's Signature:	Date Signed:
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Submit completed forms to: Amanda Collins, Public Records Officer (360) 357-1532
 Intercity Transit
 PO Box 659
 Olympia, WA 98507
publicrecordsrequest@intercitytransit.com

PUBLIC RECORDS REQUEST FORMS ARE PUBLIC RECORD AND MAY BE DISCLOSED UPON REQUEST

* Requests are delivered electronically and require an email address. If you do not have an email address please provide a valid phone number for relaying the link to receive your records. If you do not have Internet access records can be viewed **by appointment** at Intercity Transit's administrative office at 510 Pattison Street SE, Olympia, WA 98501 contact: 360-357-1532.

INFORMATION BELOW TO BE COMPLETED BY INTERCITY TRANSIT

Request received: Walk in <input type="checkbox"/>				Email <input type="checkbox"/>				Phone <input type="checkbox"/>				Fax <input type="checkbox"/>				Mail <input type="checkbox"/>															
Date received:				Request forwarded to: Ops <input type="checkbox"/>				HR <input type="checkbox"/>				Finance <input type="checkbox"/>				Procurement <input type="checkbox"/>				Maintenance <input type="checkbox"/>				Executive <input type="checkbox"/>				IS <input type="checkbox"/>			
ACTION				DATED				INITIALS				NOTES																			
5 day notice sent:																															
Clarification required:																															
3 rd party notice:																															
Legal review:																															
Installments:																															
Redaction/Omission:																															
Request denied:																															
No records found:																															
Request abandoned:																															
Requestor notified of completion: In person <input type="checkbox"/>												Phone <input type="checkbox"/>				Email <input type="checkbox"/>				Other <input type="checkbox"/>				Date:							
Records provided to requestor: Picked up <input type="checkbox"/>				Mail <input type="checkbox"/>				Email <input type="checkbox"/>				Box.com <input type="checkbox"/>																			
Request completed by:												Fees charged:																			
Staff hours:																															

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See Also: POLICY-EX-0005

Approved by: Emily Bergkamp
 Emily Bergkamp
 Interim General Manager

Written By: Rhodetta Seward
 Modified By: Amanda Collins

COMPLETING PUBLIC RECORDS REQUEST

<u>Action By:</u>	<u>Action:</u>
Staff	1. Receives a request for public records. <ol style="list-style-type: none"> a. If the request is not on FORM-EX-0005-A, records request type, date, contact information, and other details consistent with FORM-EX-0005-A. b. Forwards request to Public Records Officer for processing.
Public Records Officer	2. Processes the request and determines which department has responsive records. <ol style="list-style-type: none"> a. If the request is for records within multiple departments, forwards to Department Directors or Division Managers as necessary. b. If the request is for an employee's personnel, payroll, training, or supervisor records, issues mandatory Third-Party Notice to current or former employee, and their labor representative.
Department Director	3. Searches for responsive records following search criteria in all locations a record is likely to be found. <ol style="list-style-type: none"> a. If an extensive search is required, all designated staff complete a Search Log to document search efforts.
Public Records Officer	4. Collects responsive records in native format and records until the request is closed.
Public Records Officer	5. Reviews responsive records to locate possible exempt information prior to release. <ol style="list-style-type: none"> a. If exempt information is contained in the record in whole, or in part, prepares the record for release by applying redaction to any portion of the record that must be denied and cite legal authority. b. If redactions are applied, prepares an exemption log to comply with RCW 42.56 and notifies requestor of reason for the denial.

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	c. If there are any questions about legal authority consults with legal advisor prior to the records release.
Public Records Officer	6. If the request is for reviewing materials only, arrange for space to review documents and schedule time with the requestor for the review.
	a. If the request is for photocopies, make copies or arrange for copies.
Public Records Officer	7. Logs information regarding: <ul style="list-style-type: none"> • Estimated Charges or Deposit; • Staff Hours; and • Costs Associated with Request.
Staff	8. Collects amount due from requestor, if applicable; prepares receipt, and forwards to Finance Department.
Public Records Officer	9. Completes 5-Day Response Letter or Closure Letter and sends to - requester.
	a. If the request is complete, releases all records and closes request.
	b. If the request is for records available on website, sends direct link to requester and closes request.
	c. If the request requires additional time to process, notifies the requester of the estimated date of a first installment or response. Repeats Steps 3-8 until request is complete, then closes request.
	d. If the request is unclear, in whole or in part, seeks clarification from the requester. Provides clarification due date and next steps if a response is not received. Repeats Steps 3-8 until request is complete, then closes request OR denies request if no clarification AND request is entirely unclear.
	e. If the request is not valid or the records requested are exempt in whole, denies the request and provides legal authority for its denial.
Public Records Officer	10. Files request form, responsive records, internal correspondence, and external correspondence for JLARC tracking and retention.