

# Puget Sound Finance Officers Association Public Records Requests

October 14, 2015

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City of Kent

*\* Consult w/your own agency's legal counsel before relying upon or taking  
any action based on the content in this presentation*

# Objectives

- Understand the Public Records Act
- Recognize a public records request
- Identify public records
- Know how to process a request
  - NEW (i) text messages, personal & govt-issued devices; and (ii) contractor and functional equivalent of government employee
- Know risks associated with failing to comply with the Public Records Act

## Intent of the People - 1972 Initiative RCW 42.56.030

The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created. This chapter shall be liberally construed and its exemptions narrowly construed to promote this public policy.

# Public Records Act Overview

- “Each **agency**...shall make available for public inspection and copying all **public records**, unless...[an] exempt[ion]...prohibits disclosure.” RCW 42.56.070(1)
- **Agency** includes all state and local agencies. RCW 42.56.010(1)
  - Includes all agency offices, departments, boards, commissions, etc.
  - May/may not include task forces formed btwn agencies by interlocal agreement
    - Determination will require “practical analysis,” and reliance cannot be solely upon terms of interlocal agreement. *Worthington v. WestNET*, 182 Wn.2d 500 (2015).
  - DOES include new municipal corporation formed by interlocal
- **Public Record** means any “writing...relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency....” RCW 42.56.010(3)
  - **Writing** includes “every...means of recording any form of communication or representation....” RCW 42.56.010(4)

# General Obligations Under Public Records Act

- Must provide the “**fullest assistance**” to requesters to help them identify records they are seeking
- Perform a search of records that is **reasonably calculated** to locate all responsive records
- For records that are withheld, **identify** them and **provide an explanation**, based on law, as to why records were withheld (no silent withholding)
- Provide responsive records as **timely** as possible

# Failure to Meet Obligations Under the Public Records Act

- City can be penalized:
  - if records are improperly withheld
  - if records were not provided timely
  - for violating the “5-day Rule”
  - for not identifying withheld records (silent withholding)
  - for not providing explanation of lawful basis for withholding of record (mere RCW cite not enough)
- If City is found to have violated the Public Records Act, **MUST** pay DAILY PENALTIES & ATTORNEYS’ FEES

# Penalties for Violation

- **\$0 to \$100 per day, per record penalty**

Aggravate	Mitigate
Delayed response	Unclear request
Lack of strict compliance w/PRA procedures & exemptions	Prompt response, legitimate follow-up or clarification
<b>Lack of proper training/supervision</b>	Good faith, honest, timely, strict compliance w/PRA procedures & exceptions
Unreasonableness of explanation for noncompliance	<b>Proper training/supervision</b>
Negligent, reckless, wanton, bad faith, or intentional noncompliance	Reasonableness of explanation for noncompliance
Dishonesty	Helpfulness of agency to requester
Public importance of issue, if foreseeable by agency	Existence of agency system to track and retrieve public records
Actual foreseeable personal economic loss to requester	
Amount \$ needed to deter future misconduct	

- **May overlap, may not apply equally, non-exclusive, no one controls**

# Penalties for Violation

- **PRA requires a penalty “for each day”**
  - Calculated from day of request until day produced—No time out
    - # of days X # of records = daily penalty
  - Court has discretion in how to define “record” and how to value penalty
    - Per page
    - Per request
    - Categorize/group documents
      - Value categories differently
      - Categorize, then value per page
    - Any other conceivable way
  - In assessing penalty, court **MUST** consider the stated aggravating and mitigating factors
- **Attorney Fees & Costs** – Not just if denied record
- **NOTE:** There is no liability or course of action under the PRA for release of records in good faith that otherwise could have been withheld.



# Examples of Penalties

- **City of Kent** = Settlements of \$70,000 (*missed electronic records and misplaced paper record*) and \$10,000 (*overlooked request in “clarification”*)
- **Sample Judgments**
  - City of Shoreline = \$100,000 (settlement) + atty fees of \$485,358.62 (litigated)
    - *Inadequate search (not of personal computer used), records destruction after request but before response*
  - Univ. of WA = \$723,290.50 (\$0.50 per pg. penalty)
    - *Delayed response, improper exemption and withholding*
  - State of WA L&I = \$502,827.40 + atty fees of \$43,000 (\$0.01 per pg., \$0.02 per pg., \$0.25 per pg., \$1 per pg., \$5 per pg.)
    - *Delayed response, improper exemption and withholding, delay and improper TRO notification*
  - City of Marysville = \$143,700 (\$40, \$70, \$90 per batch)
    - *Cedar Grove case: Consultant emails, improper exemption/withholding, improper search, deliberate action to avoid PRA*
  - Thurston County Dept. of Corrections = \$45,000 + atty fees of \$128,000 (\$45 per day X 2 categories and \$45 per day x 6 categories)
    - *Inadequate search*
  - City of Seattle = \$19,665 (\$45 per day)
    - *Improper exemption and withholding*
  - City of Roy = \$12,550 (\$50 per pg.)
    - *No 5-day ltr, delayed response, improper exemption and withholding*

# What is a Public Record?

- Assume *everything* is a record.
  - All records of an agency are *presumed* to be “public records” subject to disclosure.
  - Even if you don’t possess it—enough that you used, reviewed, or referred to it.
    - Used = Information that is: (1) employed for; (2) applied to; or (3) made instrumental to a governmental end or purpose.
      - A nexus between the information and an agency’s decision-making process.
    - Examples:
      - Concerned Ratepayers v. PUD #1: Plans created by 3<sup>rd</sup> party and never possessed by agency, but agency reviewed plans and made decision based on that review.
- vs.
- Cedar Grove v. Marysville: Emails of hired consultant that were never received or reviewed by agency, but the emails and documents furthered Marysville’s interests.
    - COA Div. I held Marysville “used” consultant records although they had not been seen by Marysville b/c the consultant’s records “furthered the interests” of Marysville.
    - Impact likely limited by state Supreme Court in Nissen v. Pierce County issued one mo. later.

# What is a Public Record?

Any record – in any form - prepared, owned, used or retained by the City relating to the conduct/performance of government.

Consider **ALL** of these (paper and electronic) when producing records in response to PRR:

- Email and Voicemail
- WORD, Excel, Access Documents
- Training and testing software program
- Plans, Maps, PDFs
- Software Screen Shots
- Video or Audio Recording
- Databases and Links (KIVA, Tiburon, Oracle, LawBase, JDE)
- Microfiche
- Handwritten Notes
- Employee Working Files
- Meeting Notices and Meeting Notes
- Calendars (Outlook and Bound/Paper/Day-Planner Version)
- Post-It Notes
- Etc.

# What is Not a Public Record?

- Records that **don't relate** to the conduct of government or the performance of any governmental or proprietary function
  - Likely VERY limited
    - Example – Personal Email: Content not a public record, but remainder of email (date and time sent), or fact that personal email sent on agency time, is likely a public record
  - Still produce records to Records Administrator or consult with agency's legal counsel

# Records on Private Cell Phones/iPads **May** be Public Records—*Nissen v. Pierce County*

- State Supreme Court—“text messages sent and received by a public employee in the **employee’s official capacity** are public records of the employer,” even if a private cell phone is used.
  1. “Within the scope of employment” = job requires it, employer directs it, or furthers the employer’s interests.
    - Text to spouse/friend about job vs. Text to officer asking for add’l work
  2. Record must still relate to conduct of government, i.e. it must refer to or impact the actions, processes, and functions of government. (RCW 42.56.010, definition of “public record”)
    - Not enough that agency work merely referenced
  3. Record must be prepared, owned, used, or retained by an agency
    - “Used” for purposes of the PRA if an agency evaluates, reviews, or refers to a record in the course of its business.”
      - In *Nissen* prosecutor’s call/text logs v. prosecutor’s text messages
      - This is where Div. I’s opinion in *Cedar Grove* that “use” occurs if a consultant’s record “furthers the interest” of the agency, even if agency never saw or possessed it, may be limited by the state Supreme Court’s decision in *Nissen*.

## Records on Private Cell Phones/iPads **May** be Public Records—Nissen v. Pierce County

- Court side-stepped 4<sup>th</sup> Amend. and Art. I § 7 issues
  - 4<sup>th</sup> Amendment – “Right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”
  - Art. 1 § 7 – “No person shall be disturbed in his private affairs, or his home invaded, without authority of law.”
- Hinted they likely apply, but did not directly address. Instead, court adopted a new process that agencies can apply to fulfill its obligations:
  - An employee search of his/her personal device for public records can satisfy an agency’s obligations under the PRA if:
    1. An adequate search is done in good faith; and
    2. The employee prepares a “reasonably detailed, non-conclusory” statement “attesting to nature and extent of search.”
      - Must provide enough detail for requesters and the court to evaluate the facts and reach their own conclusions about whether record is subject to PRA.

## Records on Private Cell Phones/iPads **May** be Public Records—Nissen v. Pierce County

- Court DID NOT address what happens if employee refuses to cooperate
  - Recommends agencies adopt policies regarding use of private devices for agency business.
    - Could: (i) prohibit use of personal devices for agency business; (ii) limit use of personal devices unless records created are routed through agency server (i.e. network email, or app that captures and saves texts to network); or (iii) limit use of texting to matters of “transitory” significance.
      - Transitory = temporary, short-term value. Purpose served once reviewed by recipient. Can be deleted once purpose served
        - E.g., running late or sick, a request to call, a request to set a meeting, advising an officer to come to court at 10 a.m., notes taken on device are incorporated into later report
      - Non-Transitory = anything more that has retention value
      - **NOTE:** If email could have been deleted but wasn’t, cannot delete it until after produced in response to PRR
- If employee refuses to cooperate or objects, consult w/legal counsel
  - If a person’s 4<sup>th</sup> Amend rights are violated, an agency and its acting employee (in the employee’s individual capacity) could be liable for damages under 42 USC § 1983.

# Contractor Records—Public Records?

## Cedar Grove Composting, Inc. v. Marysville (COA Div. I)

- May have limited reach due to “exceptional facts”
  - Odor complaints made against Cedar Grove and NOVs/fines issued against it by the Puget Sound Clean Air Agency (PSCAA)
  - Cedar Grove suspected a PR campaign was spreading “disinformation” and discovered a mailer that had been sent to area residents
    - Mailer encouraged residents to contact PSCAA if they want to lodge an odor complaint
  - Marysville did not see that mailer; contractor emails suggest it was to give Marysville “plausible deniability”
    - Other emails said they did “not want Cedar Grove to see the trail on this” and suggest that Marysville was trying to circumvent the PRA
  - Cedar Grove made a PRR for records of communication between Marysville and PR firm
    - Marysville withheld emails btwn the then-City Attorney and an employee of the PR firm, claiming the attorney-client and work product privileges.
    - In claiming privilege, Marysville asserted that its communications w/the PR firm were “the same as if the City Attorney were communicating with a City staff member working on the project.”
- Court held that even though Marysville never saw or used the records of the PR firm, they were public records b/c the PR firm was the “functional equivalent” of a city employee and the records “were made instrumental to Marysville’s governmental ends or purposes in the campaign against Cedar Grove.”
  - Marysville could not have it both ways—in alleging the attorney-client and work product privileges, Marysville claimed the PR firm was the functional equivalent of a city employee. It could not now claim that the PR firm’s records were not public records under the PRA.



# Contractor Records—Public Records?

## Cedar Grove Composting, Inc. v. Marysville (COA Div. I)

- In Cedar Grove, Court was not happy with Marysville's conduct and that fact may have driven the result
  - Directed mailer to encourage complaints
  - Mailer may have appeared deceptive to suggest it was from PSCAA when it wasn't
  - Emails evidence attempts to circumvent the PRA
- Court says it **does not** create a new standard that all contractor records are public records; it **does not** create a new duty to search records of all third-party contractors
  - Says it does apply "established precedent" regarding a private entity acting as a public agency to an analogous situation of a private entity acting as the functional equivalent of a public employee (well, sort of).
- BUT reach of case *may be* limited to its facts in light of Nissen
  - Nissen - state Supreme Court held that call and text logs were not public records because the County did not evaluate, review, or take any other action necessary to "use" them.
    - Although the logs evidenced agency work, they played no role in County business as records.
  - Consult w/legal counsel if there is a question as to third-party contractor records and PRA. May wish to consider inserting a contract provision addressing records and PRA issues.

# Common Sense Advice

- **Don't** create a record you would not want to see on the front page of the paper!
  - Writing
  - Recording
    - Email
    - Pictures
  - Tweets or Posts
- Consider whether to mix business communication with personal communication
  - Good Rule of Thumb: Always assume that a third person will review any personal or private e-mail you send from work. If that makes you uncomfortable, reconsider sending it...

## Even if a Public Record, an Exemption may Apply

- While a record, some information on the record is exempt from disclosure, for example:
  - Employee personal addresses, phone numbers, dependent information
  - Social security numbers
  - Medical records
  - Attorney-client privileged communication
  - Some criminal records (victims, juveniles, etc.)
- But – **MUST** tell requestor what records, in whole or part, are not disclosed and why they are exempt
- If concern exists regarding release of a record, flag it for extra attention by Records Administrator

# Identifying a Request

- Usually in writing, but not required
- Can be made orally (If so, ask for it in writing)
- Beware of hidden requests
  - Information that necessarily includes records
  - “Can I get a copy of that?”
  - “Can I see the file?”
  - Freedom of Information Act (FOIA)

# Existing Records Only

- Public Records Act requires that City produce records that exist at time request is made
  - No requirement to create records
  - No requirement to answer questions
  - No requirement to explain records
  - Caveat: City is required to provide “fullest assistance,” which may require Q&A, and sometimes creating a record may be more beneficial to all
    - Also, don’t forget about providing gen’l customer service to citizens
- If a request is vague or confusing, advise Records Administrator **IMMEDIATELY** who will obtain clarification and determine exact records being sought
- If data can be pulled from a database, the city may need to produce a report or screen shots from that database
  - Creating record vs. translating record

# Request - Identifiable Record?

- A request must be for an “identifiable public record”
  - A request for *information* does not qualify
  - Reconfirmed by COA Div. II in *Belenski v. Jefferson County*
    - Request = “All electronic copies of every electronic record for which Jefferson County does not generate a backup”
- Identify records *with reasonable clarity* to allow the agency to locate them
  - Some meaningful description helpful to search and locate process
- No duty to research or explain public records—only to make identified records accessible
  - Example:
    - “Personnel file of Jane Doe” **(Yes)**
    - “Documentation related to Jane Doe’s employment” **(No)**
    - “Any and all records regarding Jane Doe” **(No)**

# Request Made & Response Process- Records Administrator

- Records Administrator in Clerk's Office
  - Point of contact and control of **ALL** records requests
- Records Administrator designated by Council to:
  - Receive requests,
  - Manage clarification and response process,
  - Coordinate w/departments and obtain responsive records,
  - Communicate w/requesters,
  - Determine exemptions and make redactions, and
  - Disclose records.
- “Over-the-counter” records exempt from process:
  - 10 pages/10 minutes – Documents routine in nature or designated by department
    - Instructions or blank forms
    - Documents or pamphlets
    - Council and committee meeting agendas
    - Pages from our municipal code, ordinances, and resolutions

# Request Made & Response Process- Records Administrator

- Records Administrator receives request
  - From requester or forwarded **immediately** by department
  - Received electronically, by mail, email, or in-person
- **Within 5 days**, the Records Administrator **must**:
  - Provide requested record; or
  - Request clarification; or
  - Acknowledge receipt of request and provide estimate when records will be available; or
  - Deny request.
- Records Administrator distributes request to departments that may hold responsive records
  - Records Coordinators
  - PLEASE advise if you believe other staff/dept has records too



# Response Process—Departments

- **Do** Carefully and closely read the request to determine responsive records
  - If unclear in any way, contact Records Administrator and ask for clarification
  - Provide what is requested—not too broadly, not too narrowly
- **Don't** “interpret” the request
- **Don't** “assume” you know what requester wants
- **Don't** produce only what you think “should” be disclosed
- **Don't** withhold what you think is exempt—Provide all records to Records Administrator
  - Flag any concerning information
- **Don't** ask requester “why” records are needed
  - Can only ask to determine if exemption applies

# Response Process—Departments

- Departments must gather **ALL** responsive records and deliver to Records Administrator
  - Project file, working file, personal file
  - All department divisions
  - Consultant, contractor, or third-party file
  - Notes
  - Duplicates
  - Consider if email search needed
- Advise Records Administrator where other responsive records may be located
- If no records, advise Records Administrator and return routing slip

## Response Process—Records Administrator Produces Department's Records

- Reviews records to determine if complete
  - May require additional work from department
- Determines if any exemptions apply
- Makes any redactions
- Prepares exemption log that identifies:
  - Any record withheld (whole or part)
  - Legal basis that allows
  - How legal basis applies to record and withholding
- Notifies requester that records are available for copying or inspection

## Records or Information?

For Chandler Bay Apartments....

1. Copies of Certificate of Occupancy Permits (27 buildings, 1 clubhouse, constructed circa 1989)
2. Are there any demolition permits for this property or history of buildings on this site before 1989?
3. Are there any building code violations?
4. What is zoning? Is it legal?
5. Any history of install or removal of petroleum related USTs? (Fire and Building Department)
6. Fire Department: Date of last inspection?
7. When was the area incorporated into Kent?

# Sample Requests - What Records Are Sought?

- I am requesting all of Jane Doe's emails from April 2, 2012 – December 21, 2012
- Please provide a copy of all records **regarding / concerning / related to** police case #13-1234
- Please provide a copy of police case #13-1234
- Please provide a copy of the police report in case #13-1234
- Please provide a copy of **all records regarding** John Doe
- I would like a copy of **any disciplinary records** for Officer Jane Doe
- Please provide me with a list of all salaries of **all city employees**
- I would like a copy of Jane Doe's personnel file

## CLEARANCE CHECKLIST

Application | Scope | Address | Owner | Profess | Applicant | Quantity | Fee Calc | Checklist | Fee Est

Permit Type: RVS4 # 2063414 Project: Date: 21-JUL-2006  
 APN: 3522059154 27918 152 AVE SE KENT

X	Activity	Description	Assgd To	Target End Date	Decision	By	Decision Date	- Nodes -		Cmt
								Beg	End	
<input checked="" type="checkbox"/>	E-RESUB	Engineering Resubmittal	JSTO	05-OCT-2006	CANCEL	JSTO	03-OCT-2006	4	5	✓
<input checked="" type="checkbox"/>	F-RESUB	Fire Resubmittal	ERID	05-OCT-2006	DONE	ERID	27-SEP-2006	4	5	✓
<input checked="" type="checkbox"/>	P-RESUB	PS Resubmittal	MGIL	05-OCT-2006	HOLD	MGIL	22-SEP-2006	4	5	✓
<input checked="" type="checkbox"/>	P-CLETTER	Consolidation Letter	CBAR	04-OCT-2006	DONE	CBAR	03-OCT-2006	5	6	✓
<input checked="" type="checkbox"/>	E-FEE	Engineering-Add Fees	JSTO	04-OCT-2006	DONE	JSTO	04-OCT-2006	6	7	✓
<input checked="" type="checkbox"/>	HOLD\A	Hold For Resubmittal	AMCC	05-OCT-2006	DONE	AMCC	20-OCT-2006	7	8	✓
<input checked="" type="checkbox"/>	D-RESUB	Building Services Resubmittal	AMCC	03-NOV-2006	CANCEL	AMCC	20-OCT-2006	8	9	✓
<input checked="" type="checkbox"/>	E-RESUB	Engineering Resubmittal	JSTO	03-NOV-2006	HOLD	JSTO	02-NOV-2006	8	9	✓
<input checked="" type="checkbox"/>	F-RESUB	Fire Resubmittal	AMCC	03-NOV-2006	CANCEL	AMCC	20-OCT-2006	8	9	✓
<input checked="" type="checkbox"/>	P-RESUB	PS Resubmittal	MGIL	03-NOV-2006	DONE	MGIL	14-DEC-2006	8	9	✓
<input checked="" type="checkbox"/>	HOLD\A	Hold Administrative Items	JSTO	21-DEC-2006	DONE	JSTO	19-DEC-2006	9	10	✓
<input checked="" type="checkbox"/>	HOLD\A	Hold For Resubmittal	PCBIN	20-DEC-2006	DONE	JSTO	20-DEC-2006	10	11	✓
<input checked="" type="checkbox"/>	P-CLETTER	Consolidation Letter	CBAR	21-DEC-2006	CANCEL	CHOL	20-DEC-2006	11	12	✓
<input checked="" type="checkbox"/>	HOLD\A	Hold For Resubmittal	AMCC	21-DEC-2006	DONE	AMCC	21-DEC-2006	12	13	✓

Dept: CD Dur: 1 Comment: PER MGIL NEED ROUTING.  
 Stat: DONE Dur Type: C

☒ All Activities  
☐ Only Available

Permit Signoff

Activity Point

Add Activity

Assign Activities



## COMMENTS

RVS4

2063414

Proj:

Prop  
Dev. DRVSCEnter  
Date: 21-JUL-06

By	Date	Comments
JBEA	07-MAY-2007	ZONING FEES CALCULATED @ \$333.00 (BOTTOM OF THE SLIDING SCALE FOR 4 HRS OF REVIEW TIME) PER CAND.
Print on Permit <input type="checkbox"/>		
JAMCC	21-DEC-2006	LM W/MGIL TO CONTACT ME IF THE CHECKLIST NEEDS TO INCLUDE BLDG OR FIRE. MGIL** LM W/JSTO TO CONTACT ME IF HE HAS ANY QUESTIONS REGARDING THE ROUTING. JSTO HAD PUT A HOLD\R IN, BUT SIGNED IT OFF. JSTO OUT OF OFFICE, SO INCLUDED IN ROUTING.
Print on Permit <input type="checkbox"/>		
JSTO	20-DEC-2006	Please note redline comments on approved construction plans regarding sidewalk transitions, stop sign location, and stop sign mounting height. 6/12/8 Jim S. and Brad H. inspected inside second floor: nothing going on. 11/3/8 owner at Pw ctr: desires to continue this permit and install necessary road improvements (BH)>
Print on Permit <input checked="" type="checkbox"/>		
JSTO	07-DEC-2006	could move in if he had his CO, but the new parking lot could not be opened for use until proper permits and inspections were done on this permit. We also talked about the curb and stop sign, and they agreed that they would revise their plans according to my last correction letter. Per a follow-up voicemail that afternoon, they expect their architect to deliver that plan on Tuesday.
Print on Permit <input type="checkbox"/>		

Date of Document	Document Description	Redacted	Withheld	Page(s) Withheld	Exemption Authority and Explanation of How Exemption Applies
5/16/14 @ 2:22 PM	Email from Glenn DeWitt to BATLIST@TALK2.SEATTLE.GOV re "[BATLIST] Bellevue Detective"	X			<p><b>Statutory Authority:</b> RCW 46.12.635; 18 USC 2721</p> <p><b>Explanation:</b> The name or address of an individual vehicle owner when obtained from state motor vehicle records is exempt from disclosure, and such information has been redacted.</p>
5/12/14	Attachment to email dated 5/12/14 @ 9:30 AM from Robin E Dean to FITLIST@TALK2.SEATTLE.GOV re "[FITLIST] RTI Veh Sales Fraud"	X			<p><b>Statutory Authority:</b> RCW 46.12.635; 18 USC 2721</p> <p><b>Explanation:</b> The name or address of an individual vehicle owner when obtained from state motor vehicle records is exempt from disclosure, and such information has been redacted.</p>
5/12/14	Attachment to email dated 5/12/14 @ 9:34 AM from Connie Y. Min to Amy Camden, Brian Salsig, et al, re "RTI Veh Sales Fraud"	X			
5/16/14 @ 3:03 PM	Email from Nicole Siver to AG-CJD-BULLETIN@LISTSERV.WA.GOV re "Wanted/MPs: Boyd & Vargo (Kitsap Co SO)"	X			<p><b>Statutory Authority:</b> RCW 13.50.100(2); RCW 13.50.050</p> <p><b>Explanation:</b> Documents prepared or held by a police agency regarding a juvenile that do not involve a juvenile offense are confidential and exempt from disclosure, unless requested by the juvenile, the juvenile's parent, the juvenile's attorney, or the juvenile's parent's attorney. Additionally, information regarding a juvenile offender may be released only when the information could not reasonably be expected to identify the juvenile offender or the juvenile offender's family, unless requested by the juvenile offender's victim. For these reasons juvenile information has been redacted. If the requestor meets one of these exceptions, please provide clarification and the City Clerk will reconsider this exemption.</p>
5/16/14	Attachment to email dated 5/16/14 @ 3:03 PM from Nicole Siver to AG-CJD-BULLETIN@LISTSERV.WA.GOV re "Wanted/MPs: Boyd & Vargo (Kitsap Co SO)"	X			
5/13/14 @ 2:09 PM	Email from Maurice Parrish to GETEM@TALK2.SEATTLE.GOV re "[GETEM] Looking for a name to go with a face"	X			
Undated	Attachment to email dated 5/16/14 @ 4:12 PM from Sheila Knapp to _Police Department (All Personnel) re "New Employee in KPD Kathy Berrens"		X	1	<p><b>Statutory Authority:</b> RCW 42.56.250(8)</p> <p><b>Explanation:</b> The photographs in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030 (court, police, jail, and prosecution personnel) are exempt from disclosure, unless requested by the news media. Because the requestor is not a member of the news media, this photograph has been withheld.</p>
5/20/14	Attachment to email dated 5/16/14 @ 8:48 AM from Payroll Direct Deposit to Kevin Axelson re "Payroll Direct Deposit-5/20/2014 for Kevin R Axelson"	X			<p><b>Statutory Authority:</b> RCW 42.56.230(3)</p> <p><b>Explanation:</b> Personal information in files maintained for employees, appointees, or elected officials of a public agency are exempt to the extent that disclosure would violate their right to privacy. An employee's right to privacy is violated if disclosure would be highly offensive to a reasonable person and is not of legitimate concern to the public. The redacted deductions were made by an employee and paid from the employee's earnings. Therefore, by producing all other information regarding deductions that are publicly funded, any legitimate public concern that may exist is satisfied, while the employee's right to privacy is preserved.</p>
5/15/14 @ 7:30 PM	Email from Shirley Rickman to GETEM@TALK2.SEATTLE.GOV re "[GETEM] Attempt to Identify Shooting Suspect and Vehicle"	X			<p><b>Statutory Authority:</b> RCW 42.56.240(2)</p> <p><b>Explanation:</b> Information revealing the identity of persons who are witnesses to or victims of crime is exempt from disclosure if disclosure would endanger any person's life, physical safety, or property. This law enforcement document identifies witnesses and victims to a shooting. Disclosure of victim or witness identities would endanger them, their families, or their associates and raises fear of retaliation. For this reason, information that may reveal the identity of victims or witnesses to the shootings have been redacted.</p>
5/15/14	Attachment to email dated 5/15/14 @ 7:30 PM from Shirley Rickman to GETEM@TALK2.SEATTLE.GOV re "[GETEM] Attempt to Identify Shooting Suspect and Vehicle"				
5/13/14 @ 8:01 AM	Email from Nicole Siver to HITS-BULLETINS@LISTSERV.WA.GOV re "HITS 2014-47a Hom 14-6060, ATI witness <redacted> (Federal Way PD)"	X			



## REMEMBER YOUR DEPARTMENT'S PUBLIC RECORDS RESPONSE DUTIES

- Provide **ALL** responsive records, even if exempt, to the Record's Administrator in as **timely** a fashion as possible . . . it must be a priority
  - Train your staff to make public records disclosure a priority, and to respond timely and thoroughly
- Perform a **search** of records that is **reasonably calculated to locate all responsive records**
- Provide the **fullest assistance** to requesters to help them identify the records they are seeking
  - If you know they are looking for it, give it to them—don't play word games.

**IT'S THE LAW & PENALTIES FOR  
VIOLATIONS ARE SEVERE!**