

Release of Records

801.1 PURPOSE AND SCOPE

This policy establishes guidelines for the public to inspect and obtain copies of public records.

Inspection and release of records with protected health information is covered in the Patient Medical Record Security and Privacy Policy.

801.2 POLICY

The South Whidbey Fire EMS is committed to providing public access to records consistent with the Washington Public Records Act (RCW 42.56.001 et seq.).

801.3 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any member of the public, including the media and elected officials, may obtain copies of unrestricted records of this District by submitting a request form prescribed by the district or a written request for each record sought and paying any associated fees, if required (RCW 42.56.001 et seq.).

- (a) All requests for records shall be forwarded to the South Whidbey Fire EMS Public Records Officer for review and disposition. The request should contain:
 - 1. A statement that information is being requested under the Public Records Act.
 - 2. A clear and specific description of the record being requested, including if possible, dates, subjects, titles or authors of the documents requested.
 - 3. If requesting a waiver of fees, a description of why the requestor believes a waiver is in the public interest.
 - 4. Requestor contact information, including name, address, telephone, fax and e-mail.
 - 5. Any accommodation needed under the Americans with Disabilities Act.
 - 6. Any index reference maintained by the Public Records Officer.
- (b) The processing of requests is subject to the following limitations:
 - 1. All requests should be date stamped upon receipt and logged on the Public Records Act request log.
 - 2. The Public Records Officer or the authorized designee shall determine if the requested record is available and, if so, whether all or part of the record is exempt from disclosure (RCW 42.56.520).
 - (a) The requested record, response to the record or denial with a specific explanation for nondisclosure will be provided promptly but no later than five business days from the date of request.

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- (b) If more time is needed to respond to the request, the Public Records Officer shall provide written notice of acknowledgment of the request to the requesting party within five business days, with a reasonable time estimate that is required to respond to the request, and an explanation of the need for additional time.
3. The District is not required to create records that do not otherwise exist in order to accommodate a request for information or records.
4. If the Public Records Officer or the authorized designee determines the requested records should be disclosed, the records will be made available as soon as reasonably practicable.
5. Each page of any record released should be stamped in colored ink with the official District stamp and should identify the individual to whom the record was released.
6. Released records shall be logged on the Public Records Act request log.

801.3.1 REQUESTS FOR RECORDS

The processing of requests for records is subject to the following:

- (a) The District is not required to create records which do not exist.
- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 1. A copy of the redacted release should be maintained as evidence of what was actually released and should document the reasons for the redactions.
- (c) Requests to inspect or copy records shall be responded to promptly. Within five business days of receiving the request, the District shall do one of the following (RCW 42.56.520):
 1. Provide the record.
 2. Provide the internet address and a link on the district website to the specific records requested.
 - (a) If the requester notifies the District that he/she cannot access the records online, the District shall provide copies of the record or allow the requester to view the records on a district computer.
 3. Acknowledge the receipt of the request and provide a reasonable estimate of time the District will require to respond to the request. Additional time may be required to respond based upon the need to:
 - (a) Clarify the intent of the request.
 - (b) Locate and assemble the information requested.
 - (c) Notify third persons or agencies affected by the request.

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- (d) Determine whether any of the information requested is exempt.
4. Acknowledge the receipt of the request and ask the requester for clarification if the request is not clear and provide the requester a reasonable estimate of the time that will be needed to respond if the request is not clarified. If the requester does not respond, and the entire request is unclear, the District need not respond. If only part of the request is unclear, the District shall respond to those portions of the request that are clear.
5. Deny the request.

Upon request, the District shall make available any public record in any electronic format in which the District holds the information or in the format requested if the format has been used by the District to create copies for its own use or for other agencies (WAC 44-14-050).

801.3.2 DENIALS

The denial of a request for records is subject to the following:

- (a) The denial shall be accompanied by a written statement that includes the specific exemption and a brief explanation of how the exemption applies to the withheld record (RCW 42.56.210).
- (b) Requests that are denied are subject to judicial review and the burden of proof is on the District to show that the records requested are exempt or prohibited in whole or part by statute (RCW 42.56.550).

801.4 RELEASE RESTRICTIONS

Examples of records with release restrictions include:

- (a) Pre-Hospital Care Reports (PCRs) (45 CFR 164.502) (see the Patient Medical Record Security and Privacy Policy).
- (b) Personnel or similar files that contain personal information to the extent that disclosure would violate privacy rights (RCW 42.56.230; RCW 42.56.250).
- (c) Records pertaining to pending litigation (RCW 42.56.290).
- (d) Legal opinions (RCW 42.56.904).
- (e) Arson investigations (RCW 42.56.240).
- (f) Test questions, scoring keys, and other examination data used to administer an examination for employment (RCW 42.56.250).
- (g) Preliminary drafts, notes, recommendations, or intra-agency memoranda in which opinions are expressed or policies formulated or recommended (RCW 42.56.280).
- (h) Records of complaints to or investigations conducted by the South Whidbey Fire EMS for law enforcement purposes (RCW 42.56.240).
- (i) Contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the South Whidbey Fire EMS relative to the acquisition of property or to prospective public supply and construction contracts, until all of the property has been acquired or all contract agreements executed (RCW 42.56.260).

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- (j) Records where disclosure is exempt or prohibited pursuant to provisions of federal or state law, including but not limited to provisions of the Evidence Code relating to privilege.
- (k) Records that relate to archeological site information (RCW 42.56.300).
- (l) Records obtained and all reports produced as required by state fireworks law (RCW 42.56.460).
- (m) Investigative records compiled by the District regarding possible unfair practices of discrimination under RCW 49.60.010 et seq. or possible violation of other federal, state, or local laws or South Whidbey Fire EMS internal policies during an active and ongoing investigation (RCW 42.56.250)
 - 1. Records may be released upon completion of the investigation as allowed under RCW 42.56.250.

801.5 RELEASED RECORDS TO BE MARKED

Each page of any record released pursuant to this policy should be stamped in a colored ink or otherwise electronically marked to indicate the district name and to whom the record was released.