1.0 GENERAL

1.1 Authority and Purpose.

1.1.1 RCW 42.56.070(1) of the Public Records Act ("Act") requires each state or local agency to make available for inspection and copying nonexempt "public records" in accordance with published rules.

1.1.2 The purpose of this policy is to establish the procedures the City of Spokane will follow in order to respond to requests made for records under the Act. This policy provides information to persons wishing to request access to public records of the City of Spokane and establishes processes for both requestors and City staff.

1.1.3 The Act's purpose is to provide the public full access to non-exempt records concerning government conduct to the extent such records are not made exempt by the Act, in a manner that does not unduly impair the public's entitlement to receive effective and efficient performance of the City's governmental duties and functions, and that respects legally-protected privacy rights. The Act and these considerations will be interpreted in favor of disclosure. In carrying out its responsibilities under the Act, the City will be guided by the provisions of the Act describing its purposes and interpretation.

1.2 TABLE OF CONTENTS

1.0 GENERAL
2.0 DEPARTMENTS/DIVISIONS AFFECTED
3.0 REFERENCES
4.0 DEFINITIONS
5.0 POLICY
6.0 PROCEDURE
7.0 RESPONSIBILITIES
8.0 APPENDICES
2.0 DEPARTMENTS/DIVISIONS AFFECTED

This policy shall apply to all City divisions and departments except:

a. record requests handled by the Records Unit of the Police Department;

b. record requests handled by the Spokane Municipal Court; and

c. record requests handled by the Spokane Public Library.

Copies of the Public Records Request policies and fee schedules for the Police Records Unit, Municipal Court, and Public Library will be placed on file for review with the Office of the City Clerk.

3.0 REFERENCES

RCW Ch. 42.56 Public Records Act
WAC Ch. 44-14 Public Records Act—Model Rules
Mayoral Executive Order EO 2008-05—Public Records Index

4.0 DEFINITIONS

4.1 A "public record" includes: (1) any writing; (2) that contains information relating to the conduct of government or the performance of any governmental or proprietary function; and (3) that was prepared, owned, used, or retained by the City regardless of physical form or characteristics.

4.2 "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, text messages, emails, voicemails, social media postings, and other documents including existing data compilations from which information may be obtained or translated.

5.0 POLICY

5.1 Agency Description - Contact Information - Public Records Officer

5.1.1 The City of Spokane is a municipal corporation. The City's central office is located at City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington 99201. The City has field offices at various sites throughout the City.
5.1.2 Records Officers

a. Any person wishing to request access to public records of the City, or seeking assistance in making such a request should contact the Public Records Officer of the City:

Terri Pfister, City Clerk  
City of Spokane  
Fifth Floor, City Hall  
808 West Spokane Falls Boulevard  
Spokane, Washington 99201  
(509) 625-6350  
FAX: (509) 625-6217  
Email: clerks@spokanecity.org

b. Requests for Police Records. Requests to inspect or copy records maintained by the City's Police Department should be made to the Police Records Officer at:

Evidence and Records Manager  
City of Spokane Police Department  
1100 West Mallon Avenue  
Spokane, Washington 99260  
(509) 625-4279  
FAX: (509) 625-4059  
Email: spdrecordsinfoquest@spokanepolice.org

c. Requests for Library Records. Requests to inspect or copy records maintained by the City's Library Department should be made to the City Clerk who is the Library's designated Records Officer at:

City Clerk (Library's designated Records Officer)  
Fifth Floor, City Hall  
808 W. Spokane Falls Blvd.  
Spokane, Washington 99201  
(509) 625-6350  
Email: clerks@spokanecity.org

d. Requests for Municipal Court Records. Requests to inspect or copy records maintained by the City's Municipal Court should be made to the Court's Records Officer at:
Records Officer
City of Spokane Municipal Court
1100 West Mallon Avenue
Spokane, Washington 99260
(509) 625-4400
FAX: (509) 625-4442
Email: mcadmin@spokanecity.org

e. Information is also available at the City's web site at www.spokanecity.org.

5.1.3 The Public Records Officer will oversee compliance with the Act but another City staff member may process the request. Therefore, when this policy refers to the "Public Records Officer," it also refers to a designee of the Public Records Officer.

5.2 Availability of Public Records

5.2.1 Hours for inspection of records. Public records are available for inspection and copying during normal business hours of the City, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding municipal legal holidays. Records must be inspected at the offices of the City. The City and the requestor can make mutually agreeable arrangements for the times of inspection and copying.

5.2.2 Records Index. The City of Spokane does not maintain a records index pursuant to Mayoral Executive Order EO 2008-0005.

5.2.3 Organization / Protection of Records.

a. The City will maintain its records in a reasonably organized manner consistent with available resources. The City/Public Records Officer may take any steps deemed necessary to protect and preserve records from damage, alteration or disorganization.

b. A requestor shall not alter, disorganize, damage, take, or remove City records from City offices or custody without the express written permission of the Public Records Officer. Requestors upon advance notification to the Records Officer may use personal scanners or cameras for the making of copies of documents during record reviews. If a requestor damages records during review, inspection, or copying, the City reserves the right to recover, from all persons responsible, all
costs of record recovery, including direct costs as well as all consequential losses or damages, and/or to pursue prosecution of all persons responsible.

5.2.4 A variety of records is available on the City's web site at www.spokanecity.org. Requestors are encouraged to view the records available on the web site prior to submitting a records request.

5.2.5 Making a request for public records.

   a. A verbal request, as compared to one made in writing, poses greater risks of miscommunication or misinterpretation and therefore misunderstanding of the requestor's intention as to which records s/he is seeking. Such misunderstandings impair the City's ability to properly and timely fulfill the request, and moreover cause inefficiencies for City staff members that impair their ability to effectively and efficiently perform the City's governmental duties and functions for the benefit of other members of the public.

   Any person wishing to inspect or copy public records of the City should therefore make the request in writing, on the City's request form, or by letter, fax, or e-mail addressed to the Public Records Officer.

   b. A requestor must give the City reasonable notice that the request is being made under the Public Records Act. The request should include the following information:

      • Name of requestor;

      • Address of requestor;

      • Other contact information, including telephone number and any e-mail address;

      • Identification of the records sought, with such specificity as necessary to permit the Public Records Officer or designee to reasonably locate the records; and

      • The date of the request.

   c. A question or request for information is not a request for a record, nor is a request that the City compile data, create a
record, or produce a record not in existence at the time the request is received.

d. If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and must pay or make agreed arrangements to pay the deposit provided for in this Policy. (See 6.4.1 for deposit provisions.)

e. A form is available for use by requestors at the office of the Public Records Officer and on-line at www.spokanecity.org.

f. The Public Records Officer may accept in-person or telephonic verbal requests for public records that contain the above information. If the Public Records Officer accepts such a request, he or she may confirm receipt of the information and the substance of the request in writing. If the Public Records Officer does so, the written confirmation will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement of the scope.

g. The Public Records Officer does not monitor social media sites or voicemail for public record requests. Public record requests will not be accepted via social media or voicemail.

h. A "bot request" means a request that the City reasonably believes was automatically generated by a computer program or script. The Public Records Officer does not accept an automated or bot request that is one of multiple requests from the requestor to the City within a twenty-four hour period, if the request would cause excessive interference with other essential functions of the City.

6.0 PROCEDURE

6.1 Processing of Public Records Requests – General

6.1.1 Providing "fullest assistance."
The City will provide the fullest assistance possible to requestors, consistent with recognition that the City has limited resources to respond to requests. The Public Records Officer will process requests in a manner and order allowing for the highest efficiency of the City's discharge of not only its Public Records Act obligations, but all of its obligations to the public, and will do so with the corollary aim of using the most reasonable cost-efficient methods available to the City as part of its normal operations and allowing the most requests to be processed in the most efficient manner.
6.1.2 Acknowledging receipt of request.
Within five (5) 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 in whole or in part;

b. If copies are requested and full payment due from the requestor of the amount due under this policy is received by the City, or other terms of payment are agreed upon, provide the copies to the requestor;

c. Provide a reasonable estimate of when the records will be made available or, if it is anticipated that the request will be fulfilled in a series of installment productions, a reasonable estimate of when the first set of records will be made available. The Public Records Officer may subsequently revise the estimate of when all or a partial set of records will be made available;

d. If the request is unclear or does not sufficiently identify the records sought, request clarification from the requestor. Such clarification may be requested and provided by telephone. If the clarification is made by telephone, the Public Records Officer may confirm the scope of the clarification in writing. If the Public Records Officer provides written clarification, that confirmation will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement of the scope.

e. Deny the request, in whole or part, specifying the reasons for the denial.

f. The City may fulfill all or part of a request by providing an internet address and link on the City's web site to the specific records requested, except that if the requestor notifies the City that s/he cannot access the internet, the City will provide copies of the record or allow the requestor to view copies using a City computer.

6.1.3 Consequences of failure to respond.
If the City does not respond in writing within five (5) business days of receipt of the request for disclosure, the requestor should contact the Public Records Officer to determine the reason for the failure to respond.
If the requestor does not provide clarification in response to a request by the Public Records Officer for clarification, within thirty (30) days of the clarification request having been made, the City will consider the request abandoned as to those portions for which clarification was requested but not received, and advise the requestor in writing that the request has been closed as to those portions. Should the requestor, after such closure, provide clarification, his or her clarified request shall be considered a new request and shall be processed as such, and other public records requests can be processed ahead of such a clarified request.

6.1.4 Protecting rights of others.
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 requestor 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 persons will include an accurate statement of the scope and terms of the request or a copy of the request. Typically, the Public Records Officer will give the person whose rights may be affected by disclosure ten (10) business days to obtain a Court order preventing the City from disclosing the record, but the Public Records Officer may determine that circumstances warrant a different notice/opportunity period. If no such Court order is received, the City will release the records to the requestor subject to applicable exemptions warranting withholdings(s) and/or redaction(s) by the City.

6.1.5 Records exempt from disclosure.
Some records responsive to a request are exempt from disclosure, in whole or part. If the City believes that a record is exempt from disclosure and should be withheld in the record's entirety, the Public Records Officer will identify in writing the existence and nature of the record, state the specific exemption supporting the withholding, and a brief explanation of how the exemption applies. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the Public Records Officer will, to the extent required by law, redact the exempt portions but provide the non-exempt portions, and state in writing the specific exemption supporting the redaction and a brief explanation of how the exemption applies.

Notwithstanding, the City's citation to a particular statutory exemption to support a withholding or a redaction shall not be considered
exclusive as to other statutory exemptions that may equally or alternatively be operative to support the withholding or redaction, as other statutory exemptions, not cited by the City at the time of the withholding/production of the redacted record(s), may later be cited by the City to support any withholding/redaction.

Any reasonably-understandable format may be used by the Public Records Officer to provide the requestor the written statutory exemption citation(s) and brief explanation(s) required for each withholding and/or redaction. According to the Public Records Officer's convenience and discretion, this information may be provided in the form of any or a combination of the following (which are provided as examples and without limitation): a "withholding/redaction index," and/or a written narrative, and/or (in the case of redactions) use of a keyed system of color-coded redaction boxes and/or redaction boxes with informational/explanatory content incorporated onto the boxes.

The assessment of the applicability of statutory exemptions, the performance of redactions, and the preparation of written withholding and/or redaction citations and explanations often takes substantial time and commitment of public monies and resources, and extends the time for production of records in response to requests. The Public Records Officer may explain to the requestor that performance of these steps will delay fulfillment of his or her request and invite the requestor to focus or narrow the request to save time and help serve the requestor's needs.

6.1.6 Inspection of records.

a. Consistent with other demands and resources, the City shall provide space to inspect public records. Upon reviewing the records, the requestor shall comply with policy section 5.2.3(b) regarding the "Protection of Records". If the requestor wishes copies, the requestor shall indicate which documents he or she wishes the City to copy, and, if asked, shall state whether s/he wishes the copies in paper or electronic format. If the requestor wishes copies but does not specify whether s/he wishes them in paper or electronic format, the Public Records Officer will provide the records in a format(s) that effectuates the most reasonable cost-efficient methods available to the City as part of its normal operations. The City and the requestor can make mutually agreeable arrangements for the times of inspection.
b. The requestor must claim or review all of the records, or a partial installment set of all of the records, within thirty (30) days of the City's notification to him or her that records are available. Claiming or reviewing records includes payment of all charges due from the requestor when and as due under other applicable provisions of this Policy. When all or a partial set of all of the records are available for inspection or copying, the City will notify the requestor in writing that he or she should contact the City to make arrangements to claim or review the records. If the requestor fails within the thirty (30) day period to claim or review the records or make other arrangements, the City may close the request and refile 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.

6.1.7 Providing copies of records.
After inspection is complete, the Public Records Officer shall make the requested copies or arrange for copying.

6.1.8 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 the City has closed the request.

6.1.9 Later-discovered documents.
If, after the City has informed the requestor that it has provided all responsive records, the City becomes aware of additional responsive records that existed at the time the request was received, the City will promptly inform the requestor of the additional documents and provide them on an expedited basis.

6.1.10 Managing public records requests.
The Public Records Officer is primarily responsible for managing the records requests based on the following criteria:

a. The number of records responsive to a given request;

b. The number and size of other records requests in the queue;

c. The amount of processing required for the subject request or requests and other requests in the queue;
d. The status of a particular request that is waiting for third-party review or requestor action;

e. The current volume of other City work, as it affects the amount of staff time that can be devoted to the subject request or requests; and

f. The Public Records Act's requirement that "Agencies shall not distinguish among persons requesting records."

6.2 Processing of public record requests – electronic records.

6.2.1 Requesting electronic records.
The process for requesting electronic records is the same as for requesting paper public records.

6.2.2 Providing electronic records.
When a requestor requests records in an electronic format, the Public Records Officer will provide the nonexempt records or nonexempt portions of such records that are reasonably locatable in an electronic format that is used by the City and is generally commercially available, or in a format that is reasonably translatable from the format in which the City keeps the records, as long as it is reasonable and technologically feasible for the City to do so. The City is not required to produce records in electronic format when redactions are required and the City must print the records to make the redactions.

6.2.3 Customized access to data bases.
With the consent of the requestor, the City may provide customized access under RCW 43.105.355 if the record is not reasonably locatable or not reasonably translatable into the format requested. The City will first consult with the requestor before undertaking steps needed for specialized access. The City may charge a fee consistent with RCW 42.56.120(3)(b) for such customized access only if the City has first notified the requestor of the customized service charge, including an explanation of why the charge applies, a description of the specific expertise, and a reasonable estimate of the charge. The requestor will also be notified that s/he may amend his/her request in order to avoid or reduce the customized access charge.

6.3 Exemptions

6.3.1 The Public Records Act provides that a number of 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 exemptions, outside the Public Records Act, that restrict the availability of some documents held by the City of Spokane for inspection and copying. The list is a partial list only, and there may be other statutes that restrict or limit the disclosure to the public. These exemptions are located in Attachment B.

6.3.2 The City is prohibited by statute from disclosing lists of individuals for commercial purposes. If a requestor asks for a list of individuals or a requestor seeks records which include a list of individuals, the Public Records Officer is to determine if there is any indication that the requested list may be used for commercial purposes. If the Officer determines that there is such an indication, the requestor will be asked to complete a "Commercial Purpose Declaration" (Attachment D). If the requestor asserts some "commercial" purpose to the request, the City is forbidden by state law from providing the requested records.

6.4 Costs of Providing Copies of Public Records

6.4.1 No fee shall be charged for the inspection of public records.

6.4.2 No fee shall be charged for locating public documents and making them available for copying.

6.4.3 Under RCW 42.56.120, an agency need not calculate the actual costs it charges for providing public records if the agency has rules or regulations declaring the reasons for doing so would be unduly burdensome. To the extent an agency has not determined the actual cost of copying public records, an agency may use the statutory default copy fee schedule set forth in RCW 42.56.120. Based on the following findings, the City will charge fees for copies of records pursuant to the default fees in RCW 42.56.120(2)(b) and (c) and as described in Attachment C and Sections 6.4.4 through 6.4.7 below:

a. Calculating the actual cost of providing public records would be unduly burdensome because funds were not allocated for performing a study to determine actual copying costs.

b. The City lacks the necessary funds and staff resources to conduct a comprehensive study to determine its actual copying costs.

c. To conduct such a cost study would interfere with the City's other essential agency functions.
6.4.4 The City of Spokane waives fees for production of records if production totals less than one dollar ($1). It would be unduly burdensome for the City to prepare a statement, collect money, and comply with all the state laws surrounding the collection and receipt of money for these small record productions. It would cost the City more to collect and receipt the money than would be collected for these small record productions. (See RCW 42.56.120(2)(b))

6.4.5 Costs for photo/printed/electronically scanned copies.

The City charges fifteen cents ($0.15) per page for photocopies to be produced to a requestor or for electronic records printed to paper.

If paper records must be scanned to electronic format to fulfill a request because the requestor asked for electronic copies of records that exist only in paper format, the City charges ten cents ($0.10) per scanned page.

Before beginning to make photo, printed, and/or scanned copies, the Public Records Officer may require a deposit of up to ten percent (10%) of the estimated costs of doing so for all the records selected by the requestor. The Public Records Officer may also require the payment of the remainder of all costs chargeable under this Policy for fulfilling the requestor's request, before providing all the records, or the Public Records Officer may require payment of the chargeable costs under this Policy for providing a partial installment of records, before providing that installment to the requestor. The City will not assess sales tax on any cost otherwise chargeable to the requestor under this Policy.

6.4.6 Costs of mailing, emailing, and digital storage media.

The City may also charge actual costs of delivery of the records to the requestor, including the cost/fees of postage or transmission charged by the postal service or delivery provider; the cost of the shipping container (e.g., envelope); the cost of any digital media storage device on which records are saved for delivery (such as a hard disk, DVD or CD, flash drive, etc.); and the cost of the device's container.

The City may also charge five cents, each, per four electronic files or attachments, uploaded to email, cloud-based data storage service, or other means of electronic delivery.

The City may also charge ten cents per gigabyte for the transmission of records in an electronic format or for the use of agency equipment to send the records electronically.
These costs may be added to any other costs required of the requestor, to be paid by the requestor as a condition precedent to the City making available to the requestor all, or any partial installment production of, the requested records.

6.4.7 If materials need to be copied by an outside source, the requestor pays the actual amount invoiced to the City by the vendor.

6.4.8 Payment.
Payment may be made by cash, check, or money order to the City of Spokane. Checks returned to the City for non-sufficient funds are treated as non-payment and referred to collection.

6.5 Review of Denials Of Public Records

6.5.1 Optional 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 email) to the Public Records Officer for a review of that decision within sixty (60) days of the denial of access. The petition shall include a copy of or reasonably identify the written statement by the Public Records Officer denying the request.

6.5.2 Consideration of petition for review.
(a) The Public Records Officer shall promptly provide the petition and any other relevant information to the Hearing Examiner, with copy to the City Attorney.

(b) The City Attorney or designee may file a response to the petition with the Hearing Examiner. Any response to the petition must be filed with the Hearing Examiner within five (5) business days following the City’s receipt of the appeal.

(c) The Hearing Examiner will consider the petition and either affirm, modify, or reverse the denial within ten (10) business days following the City’s receipt of the petition, or within such greater period of time as the City and the requestor mutually agree to.

6.5.3 Judicial review.
Any person may obtain court review of a denial of a public records request pursuant to RCW 42.56.520 at the conclusion of two (2) business days after the initial denial regardless of any internal administrative review.

6.6 Disaster Recovery Tapes
The City periodically creates backup tapes of the City's computer files. These tapes are copies of data and other records. Creation of the backup tape is a method of copying electronic records and is not intended to create a new public record. The disaster recovery tapes exist so that computer files can be restored in case of disaster to City records, infrastructure, or computer systems, and have no retention value under the state Local Government Common Records Retention Schedule (i.e., the tapes may be retained until no longer needed then may be destroyed). The data on the disaster recovery tapes are not in a readily searchable format and, to prevent excessive interference with essential functions of the City, the tapes will not generally be searched pursuant to a public records request.

7.0 RESPONSIBILITIES

The City Clerk shall administer this policy.

8.0 APPENDICES

Attachment A – Public Records Request Form
Attachment B – List of Documents Exempt From Public Inspection and Copying Outside the Public Records Act
Attachment C – Fee Schedule
Attachment D – Commercial Purpose Declaration

Approved by:

[Signature]
City Attorney

[Signature]
City Clerk

[Signature]
City Administrator

[Signature]
Date
January 5, 2018

[Signature]
Date
January 5, 2018

[Signature]
Date
1/8/18
PUBLIC RECORDS REQUEST  
(RCW 42.56)

DEPARTMENT: ____________________________

NAME: __________________________________ DATE: __________________________

TELEPHONE: ____________________________ E-MAIL: __________________________

ADDRESS: ________________________________________________________________

CITY: ____________________________ STATE: __________ ZIP: __________

IDENTIFICATION/DESCRIPTION OF RECORDS(S) SOUGHT:
Be as specific as possible in describing the records you seek. Your description must be sufficient to make the records reasonably locatable by City staff.

________________________________________________________________________

Date Range of Records You are Requesting: Starting date _______ Ending date _________ (Ending date cannot be a future date)

ELECTRONIC RECORDS:
☐ (Yes) ☐ (No) Mark “Yes” if you would like the City’s search for responsive records to include records held in digital format (e.g., emails). If “Yes,” digitally-stored records may be searched electronically, using key words. If possible, state the key word(s) to be included in these search(es) such that you would consider the electronic search(es) to comprise a reasonably adequate effort to locate all electronic records you seek:

Search term(s) (if more than one, insert commas to separate; place quotation marks (“”) around phrases): ____________________________

________________________________________________________________________

☐ I wish to discuss options for copying or reviewing records once the records or an installment is made available.

☐ I wish to have copies/duplicates of the records that are located in response to the request. I agree to pay all associated fees. (Prepayment may be required.)

☐ I wish to make an appointment to review the records indicated above before copies are made.

☐ Call me – I will pick up records.

I certify that any lists of individuals obtained through this request will not be used for commercial purposes [RCW 42.56.070(9)].

Signature: ________________________________________________________________

SUBMIT COMPLETED FORM TO: City Clerk’s Office
5th Floor City Hall
808 W. Spokane Falls Blvd.
Spokane, WA 99201
(509) 625-6350

16
### List of Documents Exempt From Public Inspection and Copying

#### Outside the Public Records Act

**Washington State Statutes**

<table>
<thead>
<tr>
<th>Citation</th>
<th>Records</th>
</tr>
</thead>
<tbody>
<tr>
<td>RCW 2.64.111</td>
<td>Documents regarding discipline/retirement of judges</td>
</tr>
<tr>
<td>RCW 2.64.113</td>
<td>Confidentiality – violations</td>
</tr>
<tr>
<td>RCW 4.24.250</td>
<td>Hospital Review Records on professional staff</td>
</tr>
<tr>
<td>RCW 4.24.550</td>
<td>Information on sex offenders to public</td>
</tr>
<tr>
<td>RCW 4.24.601, .611</td>
<td>Trade secrets and confidential research</td>
</tr>
<tr>
<td>RCW 4.92.210</td>
<td>Information in centralized risk management system</td>
</tr>
<tr>
<td>RCW 5.60.060</td>
<td>Privileged communications, including attorney-client privilege</td>
</tr>
<tr>
<td>RCW 5.60.070</td>
<td>Court-ordered mediation records</td>
</tr>
<tr>
<td>RCW 7.07.050(5), .070</td>
<td>Mediation communications</td>
</tr>
<tr>
<td>RCW 7.68.140</td>
<td>Records re: victims of crimes</td>
</tr>
<tr>
<td>RCW 7.69A.030(4)</td>
<td>Child victims and witnesses – protection of identity</td>
</tr>
<tr>
<td>RCW 7.69A.050</td>
<td>Rights of child victims and witnesses – addresses</td>
</tr>
<tr>
<td>RCW 7.75.050</td>
<td>Records of Dispute Resolution Centers</td>
</tr>
<tr>
<td>RCW 7.77.140</td>
<td>Collaborative law process information</td>
</tr>
<tr>
<td>RCW 9.02.100</td>
<td>Reproductive privacy</td>
</tr>
<tr>
<td>RCW 9.41.129</td>
<td>Concealed pistol license applications</td>
</tr>
<tr>
<td>RCW 9.51.050</td>
<td>Disclosing transaction of grand jury</td>
</tr>
<tr>
<td>RCW 9.51.060</td>
<td>Disclosure of grand jury deposition</td>
</tr>
<tr>
<td>RCW 9.73.090(1)(c)</td>
<td>Prohibition regarding specified emergency response personnel recordings</td>
</tr>
<tr>
<td>RCW 9.73.230</td>
<td>Names of confidential informants</td>
</tr>
<tr>
<td>RCW 9A.82.170</td>
<td>Financial institution records – wrongful disclosure</td>
</tr>
<tr>
<td>RCW 10.27.090</td>
<td>Grand jury testimony/evidence</td>
</tr>
<tr>
<td>RCW 10.27.160</td>
<td>Grand jury reports – release to public only by judicial order</td>
</tr>
<tr>
<td>RCW 10.29.030</td>
<td>Organized crime special inquiry judge</td>
</tr>
<tr>
<td>RCW 10.29.090</td>
<td>Records of special inquiry judge proceedings</td>
</tr>
<tr>
<td>RCW 10.52.100</td>
<td>Records identifying child victim of sexual assault</td>
</tr>
<tr>
<td>RCW 10.77.210</td>
<td>Records of persons committed for criminal insanity</td>
</tr>
<tr>
<td>RCW 10.97.040</td>
<td>Criminal history information released must include disposition</td>
</tr>
<tr>
<td>RCW 10.97.050</td>
<td>Conviction and criminal history information</td>
</tr>
<tr>
<td>RCW 10.97.060</td>
<td>Deletion of certain criminal history record information, conditions</td>
</tr>
<tr>
<td>RCW 10.97.070</td>
<td>Disclosure of identity of suspect to victim</td>
</tr>
<tr>
<td>RCW 10.97.080</td>
<td>Inspection of criminal record by subject</td>
</tr>
<tr>
<td>RCW 10.101.020</td>
<td>Indigent defense information</td>
</tr>
<tr>
<td>RCW 13.32A.090</td>
<td>Crisis residential centers notice to parent about child</td>
</tr>
<tr>
<td>RCW 13.34.115</td>
<td>Court dependency proceedings</td>
</tr>
<tr>
<td>RCW 13.40.217</td>
<td>Juveniles adjudicated of sex offenses – release of information</td>
</tr>
<tr>
<td>RCW 13.50.010</td>
<td>Maintenance of and access to juvenile records</td>
</tr>
<tr>
<td>RCW 13.50.050</td>
<td>Juvenile offenders</td>
</tr>
<tr>
<td>RCW 13.50.100</td>
<td>Juvenile/children records not relating to offenses</td>
</tr>
<tr>
<td>RCW 13.60.020</td>
<td>Missing children information</td>
</tr>
<tr>
<td>RCW 13.70.090</td>
<td>Citizen juvenile review board – confidentiality</td>
</tr>
<tr>
<td>RCW 18.04.405</td>
<td>Confidentiality of information gained by CPA</td>
</tr>
<tr>
<td>RCW 18.19.060</td>
<td>Notification to clients by counselors</td>
</tr>
<tr>
<td>RCW 18.20.120</td>
<td>Boarding home licensing records</td>
</tr>
<tr>
<td>RCW 18.19.180</td>
<td>Confidential communications with counselors</td>
</tr>
<tr>
<td>RCW 19.215.020</td>
<td>Destruction of personal health and financial information</td>
</tr>
<tr>
<td>RCW 19.34.240(3)</td>
<td>Private digital signature keys</td>
</tr>
<tr>
<td>RCW 19.215.030</td>
<td>Compliance with federal rules</td>
</tr>
<tr>
<td>RCW 26.04.175</td>
<td>Name and address of domestic violence victim in marriage records</td>
</tr>
<tr>
<td>RCW 26.12.170</td>
<td>Reports of child abuse/neglect with courts</td>
</tr>
<tr>
<td>RCW 26.23.050</td>
<td>Child support orders</td>
</tr>
<tr>
<td>RCW 26.23.120</td>
<td>Child support records</td>
</tr>
<tr>
<td>RCW 26.26.041</td>
<td>Uniform Parentage Act – protection of participants</td>
</tr>
<tr>
<td>RCW 26.26.450</td>
<td>Confidentiality of genetic testing</td>
</tr>
<tr>
<td>RCW 26.33.330</td>
<td>Sealed court adoption records</td>
</tr>
<tr>
<td>RCW 26.33.340</td>
<td>Agency adoption records</td>
</tr>
<tr>
<td>RCW 26.33.343</td>
<td>Access to adoption records by confidential intermediary</td>
</tr>
<tr>
<td>RCW 26.33.345</td>
<td>Release of name of court for adoption or relinquishment</td>
</tr>
<tr>
<td>RCW 26.33.380</td>
<td>Adoption – identity of birth parents confidential</td>
</tr>
<tr>
<td>RCW 26.44.010</td>
<td>Privacy of reports on child abuse and neglect</td>
</tr>
<tr>
<td>RCW 26.44.020(19)</td>
<td>Unfounded allegations of child abuse or neglect</td>
</tr>
<tr>
<td>RCW 26.44.030</td>
<td>Reports of child abuse/neglect</td>
</tr>
<tr>
<td>RCW 26.44.125</td>
<td>Right to review and amend abuse finding – confidentiality</td>
</tr>
<tr>
<td>RCW 27.53.070</td>
<td>Records identifying the location of archaeological sites</td>
</tr>
<tr>
<td>RCW 29A.08.720</td>
<td>Voter registration records – place of registration confidential</td>
</tr>
<tr>
<td>RCW 29A.08.710</td>
<td>Voter registration records – certain information exempt</td>
</tr>
<tr>
<td>RCW 35.102.145</td>
<td>Municipal business and occupation tax – Confidentiality, privilege, and disclosure RCW 39.10.470(2) Alternative public works contractor information</td>
</tr>
<tr>
<td>RCW 39.10.470(3)</td>
<td>Design-build finalist proposals prior to selection</td>
</tr>
<tr>
<td>Chapter 40.14 RCW</td>
<td>Preservation and destruction of public records</td>
</tr>
<tr>
<td>RCW 40.24.070</td>
<td>Names of persons in domestic violence or sexual assault programs</td>
</tr>
<tr>
<td>RCW 42.23.070(4)</td>
<td>Municipal officer disclosure of confidential information prohibited</td>
</tr>
<tr>
<td>RCW 42.41.030(7)</td>
<td>Identity of local government whistleblower</td>
</tr>
<tr>
<td>RCW 42.41.045</td>
<td>Non-disclosure of protected information (whistleblower)</td>
</tr>
<tr>
<td>RCW 42.56.230</td>
<td>Personal Information</td>
</tr>
<tr>
<td>RCW 42.56.240</td>
<td>Investigative, law enforcement, and crime victims</td>
</tr>
<tr>
<td>RCW 42.56.250</td>
<td>Employment and licensing</td>
</tr>
<tr>
<td>RCW 42.56.260</td>
<td>Real estate appraisals</td>
</tr>
<tr>
<td>RCW 42.56.270</td>
<td>Financial, commercial and proprietary information</td>
</tr>
<tr>
<td>RCW 42.56.280</td>
<td>Preliminary drafts, notes, recommendations, inter-agency memorandum</td>
</tr>
<tr>
<td>RCW 42.56.290</td>
<td>Agency part of controversy</td>
</tr>
<tr>
<td>RCW 42.56.300</td>
<td>Archaeological sites</td>
</tr>
<tr>
<td>RCW 42.56.310</td>
<td>Library records</td>
</tr>
</tbody>
</table>
RCW 42.56.320  Education materials
RCW 42.56.330  Public utilities and transportation
RCW 42.56.335  Public utility districts and municipally owned electrical utilities - Restrictions of access by law enforcement
RCW 42.56.340  Timeshare, condominium, etc. owner lists
RCW 42.56.350  Health professionals
RCW 42.56.360  Health care
RCW 42.56.370  Domestic violence program, rape crisis center clients
RCW 42.56.380  Agriculture and livestock
RCW 42.56.390  Emergency or transitional housing
RCW 42.56.400  Insurance and financial institutions
RCW 42.56.403  Property and casualty insurance statements of actuarial opinion
RCW 42.56.410  Employment security department records, certain purposes
RCW 42.56.420  Security
RCW 42.56.430  Fish and wildlife
RCW 42.56.440  Veteran's discharge papers – Exceptions
RCW 42.56.450  Check cashers and sellers licensing applications
RCW 42.56.460  Fireworks
RCW 42.56.470  Correctional industries workers
RCW 42.56.480  Inactive programs
RCW 46.52.080  Traffic accident reports – confidentiality
RCW 46.52.083  Traffic accident reports – available to interested parties
RCW 46.52.120  Traffic crimes and infractions – confidential use by police and courts
RCW 46.52.130(2)  Abstract of driving record
RCW 46.63.170(g)  Automated traffic safety cameras - Definition
RCW 48.62.101  Local government insurance transactions – access to information
RCW 49.76.040  Employee's information regarding domestic violence
RCW 49.76.090  Domestic violence leave information
RCW 49.86.020(4)  Individual information re family leave program
RCW 50.13.060  Access to employment security records by local government agencies
RCW 50.13.100  Disclosure of non-identifiable information or with consent
RCW 51.28.070  Worker's compensation records
RCW 51.36.060  Physician information on injured workers
RCW 60.70.040  No duty to disclose record of common law lien
RCW 68.50.105  Autopsy reports
RCW 68.50.320  Dental identification records – available to law enforcement agencies
Chapter 70.02 RCW  Medical records – access and disclosure – entire chapter (HC providers)
RCW 70.05.170  Child mortality reviews by local health departments
RCW 70.24.022  Public health agency information regarding sexually transmitted disease investigations - confidential
RCW 70.24.024  Transcripts and records of hearings regarding sexually transmitted diseases
RCW 70.24.105  HIV/STD records
RCW 70.28.020  |  Local health department TB records – confidential
RCW 70.41.200  |  Hospital quality improvement committee records and accreditation reports
RCW 70.48.100  |  Jail records and booking photos
RCW 70.58.055  |  Birth certificates – certain information confidential
RCW 70.58.104  |  Vital records, research confidentiality safeguards
RCW 70.94.205  |  Washington Clean Air Act – confidentiality of data
RCW 70.96A.150  |  Alcohol and drug abuse treatment programs
RCW 70.123.075  |  Client records of domestic violence programs
RCW 70.125.065  |  Records of rape crisis centers in discovery
RCW 71.05.390  |  Information about mental health consumers
RCW 71.05.395  |  Ch. 70.02 RCW applies to mental health records
RCW 71.05.400  |  Information to next of kin or representative
RCW 71.05.425  |  Notice of release or transfer of committed person after offense dismissal
RCW 71.05.427  |  Information that can be released
RCW 71.05.430  |  Statistical data
RCW 71.05.440  |  Penalties for unauthorized release of information
RCW 71.05.445  |  Release of mental health information to Department of Corrections
RCW 71.05.620  |  Authorization requirements and access to court records
RCW 71.05.630  |  Release of mental health treatment records
RCW 71.05.640  |  Access to treatment records
RCW 71.05.650  |  Accounting of disclosures
RCW 71.24.035(5)(g)  |  Mental health information system – state, county and regional support networks – confidentiality of client records
RCW 71.34.200  |  Mental health treatment of minors – records confidential
RCW 71.34.210  |  Court records for minors related to mental health treatment
RCW 71.34.225  |  Release of mental health services information
RCW 71A.14.070  |  Records regarding developmental disability – confidentiality
RCW 72.09.345  |  Notice to public about sex offenders
RCW 72.09.585(3)  |  Disclosure of inmate records to local agencies – confidentiality
RCW 73.04.030(3)  |  Veterans discharge papers exemption (see related RCW 42.56.440)
RCW 74.04.060  |  Applicants and recipients of public assistance
RCW 74.04.520  |  Food stamp program confidentiality
RCW 74.09.900  |  Medical assistance
RCW 74.13.121  |  Financial information of adoptive parents
RCW 74.13.280  |  Children in out-of-home placements - confidentiality
RCW 74.20.280  |  Child support enforcement – local agency cooperation, information
RCW 74.34.095  |  Abuse of vulnerable adults - confidentiality of investigations and reports
RCW 82.32.330  |  Disclosure of tax information
RCW 84.36.389  |  Confidential income data in property tax records held by assessor
RCW 84.40.020  |  Confidential income data supplied to assessor regarding real property
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 USC § 2721-2725</td>
<td>Driver and License Plate Information</td>
</tr>
<tr>
<td>20 USC § 1232g</td>
<td>Family Education Rights and Privacy Act</td>
</tr>
<tr>
<td>23 USC § 409</td>
<td>Evidence of certain accident reports</td>
</tr>
<tr>
<td>42 USC 290dd-2</td>
<td>Confidentiality of Substance Abuse Records</td>
</tr>
<tr>
<td>42 USC 654(26)</td>
<td>State Plans for Child Support</td>
</tr>
<tr>
<td>42 USC 671(a)(8)</td>
<td>State Plans for Foster Care and Adoption Assistance</td>
</tr>
<tr>
<td>42 USC 1396a(7)</td>
<td>State Plans for Medical Assistance</td>
</tr>
<tr>
<td>7 CFR 272.1(c)</td>
<td>Food Stamp Applicants and Recipients</td>
</tr>
<tr>
<td>34 CFR 361.38</td>
<td>State Vocational Rehabilitation Services Programs</td>
</tr>
<tr>
<td>42 CFR 431.300 - 307</td>
<td>Safeguarding Information on Applicants and Recipients of Medical Assistance</td>
</tr>
<tr>
<td>42 CFR 483.420</td>
<td>Client Protections for Intermediate Care Facilities for the Mentally Retarded</td>
</tr>
<tr>
<td>42 CFR 5106a(b)(2)(A)</td>
<td>Grants to States for Child Abuse and Neglect Prevention and Treatment Programs</td>
</tr>
<tr>
<td>45 CFR 160-164</td>
<td>HIPAA Privacy Rule</td>
</tr>
<tr>
<td>46 CFR 40.321</td>
<td>USCG regulations regarding confidentiality of drug and alcohol test results done by marine employers</td>
</tr>
<tr>
<td><strong>Inspection:</strong></td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>No fee</td>
<td>Inspection of agency records on agency public internet web site or scheduled at agency office.</td>
</tr>
<tr>
<td>No fee</td>
<td>Accessing or downloading records the agency routinely posts on its public internet web site, unless the requestor asks the agency for records to be provided through other means (the following copy charges below then apply).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Copies:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Paper copies (photocopies or printing electronic records), B&amp;W or color: 8x11; 8x14; 11x17</td>
<td>15 cents per page</td>
</tr>
<tr>
<td>Scanned records (converting a record from a paper copy to an electronic format)</td>
<td>10 cents per page</td>
</tr>
<tr>
<td>Records uploaded to email, or cloud-based data storage service, or other means of electronic delivery</td>
<td>5 cents each per four electronic files or attachments</td>
</tr>
<tr>
<td>Records transmitted in electronic format or for use of agency equipment to send records electronically.</td>
<td>10 cents per gigabyte for transmission of records in an electronic format</td>
</tr>
</tbody>
</table>
| Digital storage media or device on which records are saved for delivery:  
  - CD  
  - DVD  
  - Thumb drive  
  - Other | Actual cost |
| Label, case, and/or sleeve for CD/DVD | Actual cost |
| Postage or delivery charges – Specific amount based upon postage/delivery charges for specific mailings or deliveries. | Actual cost |

↑Copy charges above may be combined to the extent more than one type of charge applies to copies responsive to a particular request.

<table>
<thead>
<tr>
<th><strong>Records copied by outside source:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>If materials need to be copied by an outside source, the requestor pays the actual amount invoiced to the City by the Vendor</td>
<td>Actual cost</td>
</tr>
</tbody>
</table>
## Customized Service:

Data compilations prepared or accessed as a customized service (cost is in addition to above fees for copies).

<table>
<thead>
<tr>
<th>Examples:</th>
<th>Item Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Installment contains</td>
<td>400 scanned pages x 10 cents per page</td>
<td>$40.00</td>
</tr>
<tr>
<td></td>
<td>72 electronic files / 4 = 18 x 5 cents</td>
<td>$0.90</td>
</tr>
<tr>
<td></td>
<td>80 MB</td>
<td>$0.00</td>
</tr>
<tr>
<td></td>
<td>DVD</td>
<td>$0.25</td>
</tr>
<tr>
<td></td>
<td>Sleeve</td>
<td>$0.07</td>
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<tr>
<td></td>
<td>Envelope</td>
<td>$0.72</td>
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<tr>
<td></td>
<td>Postage</td>
<td>$3.00</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td></td>
<td><strong>$44.94</strong></td>
</tr>
</tbody>
</table>

| Email installment   | 200 emails       | $0.00  |
| (emails that are    | 116,329 KB       | $0.00  |
| Copied by I&TS)     | CD               | $0.27  |
|                     | Sleeve           | $0.07  |
|                     | Envelope         | $0.72  |
|                     | Postage          | $3.00  |
| **Total:**          |                   | **$4.06** |

If responsive emails are uploaded to a response provided by City Clerk staff, then the 5 cents each per four electronic files or attachments, plus 10 cents per gigabyte for transmission of records in an electronic format, will apply if the cost of production exceeds $1.

The City of Spokane waives fees for production of records if production totals less than $1. Production of records does not include actual cost of digital storage media device, envelope, and postage. The City of Spokane charges actual costs of digital storage media or device, envelope, and postage (if applicable).
CITY OF SPOKANE
COMMERCIAL PURPOSE DECLARATION
Public Records Requests under RCW Ch. 42.56 for Lists of Individuals

Re: Public Records Request dated: ____________

You or your organization or business has made a public records request for a list of individuals from the City of Spokane. The Washington State Public Records Act (PRA) at RCW 42.56.070(8) provides that:

This chapter shall not be construed as giving authority to any agency... to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies... shall not do so unless specifically authorized or directed by law...

The PRA at RCW 42.56.080 authorizes agencies to require a requestor to provide information as to the purpose of a request “to establish whether inspection and copying would violate RCW 42.56.070(8).”

The Washington State Court of Appeals ruled that in responding to a public records request that includes a list of individuals, an agency must investigate if that list might be used for commercial purposes, in order to comply with the obligations of RCW 42.56.070(8). *SEIU Healthcare 775NW v. State*, 193 Wn. App. 377, 377 P.3d 214 (2016). The Court also ruled that information to be provided by a requestor to an agency includes the purpose of the request, the identity of the requestor, the nature of the records requested, and other information necessary to determine if the list of individuals can be provided under RCW 42.56.070(8).

**Instructions:**

In order to ensure compliance with this obligation please complete the declaration on the reverse of this form and return it to the Public Records Officer. If we do not receive a completed declaration, we will be unable to process your request for the list and the request for the list will be administratively closed. If we have questions for you after you complete the declaration, we will contact you. Therefore, make sure you also provide contact information at the bottom of the declaration.

Return this completed declaration form to the Public Records Officer or other designated person at: Office of the City Clerk, 808 W. Spokane Falls Blvd., Spokane, WA 99201 or email to clerks@spokanecity.org.

This declaration is a public record.
DECLARATION UNDER PENALTY OF PERJURY

1. I have requested a list of individuals from the City of Spokane.

2. I am requesting the list of individuals on behalf of (specify which one applies):

   _____ My Own Personal Behalf (skip to 3.)
   _____ Organization or Business (complete a. - c. before proceeding to 3.)

   a. If an organization or business, the name of the organization or business is:

   b. If an organization or business, the purpose of the organization or business is:

   c. If an organization or business, the mailing address and website address are:

3. The purpose in making this request for the list of individuals is:

4. I or the organization/business intend to generate revenue or financial benefit, directly or indirectly, from using the list of individuals: _____ Yes _____ No

5. I or the organization/business intend to solicit money or financial support from any of the individuals on the list: _____ Yes _____ No

6. I or the organization/business intend to make individuals on the list aware of business commercial entities, business/financial enterprises or business/financial opportunities: _____ Yes _____ No

7. I or the organization/business intend to supply or sell the list of individuals to any organization or business, third party individual (someone other than myself or the organization or business listed in paragraph 2), or any other entity: _____ Yes _____ No

   If yes, to whom:

8. I or my organization/business attest that another law authorizes or directs the agency to provide me or my organization/business the list of individuals requested: _____ Yes _____ No

   If yes, provide specific citation:

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. I certify under penalty of perjury that I have read the first page of this declaration form and I understand that a list of individuals cannot be provided to me or to my organization or business by a public agency if the list will be used for a commercial purpose. I certify under penalty of perjury that any list of individuals I or my organization or business receive pursuant to my request dated _______, 20_, to the City of Spokane will not be used for any commercial purpose in violation of RCW 42.56.070(8).

DATED this ___________ of ____________, 20__ in ____________________________.

_________________________________________  ________________________________
Signature of Declarant  Print Name

Declarant’s Title (if any):
Declarant’s contact information (phone number, email, or both):