



TACOMA HOUSING AUTHORITY

Policy No.	THA Policy G-15
Policy	Public Records Request
Date	March 21, 2020

1. Purpose

The Public Records Request policy establishes the procedures which Tacoma Housing Authority of the City of Tacoma (THA) will follow in order to provide full access to public records. This policy provides information to persons wishing to request access to public records of the THA and establishes processes for both requestors and THA staff.

2. Sources for Policy

- ▶ [Washington Public Records Act RCW42.56](#)
- ▶ [Federal Privacy Act of 1974 5 USC 552\(a\)](#)
- ▶ [Public Record Act Model Rules WAC 44-14](#)

3. Scope of Policy

This policy will provide guidelines and overall general procedures for requests made to Tacoma Housing Authority (THA). The Public Records Officer (PRO) shall be responsible for receiving, tracking and responding to all public records requests submitted to the housing authority, regardless of which department or division of the housing authority that receives the request and/or which department or division of the housing authority that information is required from to fulfill the public records request. All THA staff will assist the PRO in fulfilling a public records request in any manner deemed necessary by the PRO.

4. Who is Responsible for Implementing Policy

Who	Responsibilities
<i>Public Records Officer</i>	<p>As provided in RCW 42.56.580, THA has appointed a Public Records Officer (PRO) to whom members of the public may direct requests for disclosure of public records and who will oversee the Agency's compliance within the public records disclosure requirements of the Public Records Act. The name and contact information of the Public Records Officer will be posted at THA main office and posted on the THA website.</p> <p>The PRO shall be responsible for ensuring that Agency records are protected and is ultimately responsible for the implementation of the Public Records policy and procedure. The PRO shall be responsible for receiving, tracking and responding to all public records requests submitted to the housing authority, regardless of which department or division of the housing authority that receives the request and/or which department or division of the housing authority that information is required from to fulfill the public records request. The PRO may seek assistance as necessary from every THA department.</p>

<i>All THA Staff</i>	<p>All THA staff shall have the following responsibilities:</p> <ol style="list-style-type: none"> 1. They shall appreciate that THA is a public agency with important obligations under the Public Records Act to make its public records available to members of the public. 2. They shall be alert to cheerfully help any member of the public make a request for a public record. They will do that by referring them to THA’s website for instructions on how to make a request or for more information to THA’s PRO. 3. They will promptly send any request for public records that they receive to the Public Records Officer.
----------------------	--

5. Definitions

<i>Public Records</i>	Any document, device, or item, regardless of physical form or characteristic, including an electronic record that serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the Tacoma Housing Authority (THA).
<i>Public record</i>	“Public record” includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.
<i>Writing</i>	“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, and other documents including existing data compilations from which information may be obtained or translated.

6. Forms Associated with this Policy

<i>Public Records Request Form</i>	This form is located on Tacoma Housing Authority’s website . The form will be used to request public records request.
------------------------------------	---

7. Policy

7.1 Policy for Public Disclosure

As required by [RCW 42.56.100](#), the Tacoma Housing Authority (“THA”) has adopted this policy to provide access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the Agency. This policy shall be construed consistent with the intent of the [Public Records Act, chapter 42.56 RCW \(the “Act”\)](#).

Within the spirit of the Act, this policy and the associated procedures provide for timely action and for the fullest possible assistance on requests for public records. This policy is also intended to protect the integrity of the Agency's records and is sensitive to responding to proper requests without adversely interfering with other essential functions of the Agency.

Upon request, the Agency will make available any public record for inspection by the public and/or copying by the staff for the public unless the record is exempt from disclosure under chapter [42.56 RCW](#), the [Federal Privacy Act of 1974](#) or other applicable law.

If a public record request is made when such record exists but is scheduled for destruction in the near future, the Agency will make every effort to retain possession of the record, and will not intentionally destroy or erase the record until the public records request is resolved.

7.2 Making a Request for Public Records

Any person requesting a public record is encouraged to (but not required) to make the request by filling out the [Public Records Request form](#) located online. Requests should be made to the Public Records Officer and should include the following information:

- Name of person making request
- Address
- City
- State
- Zip Code
- Telephone
- Email Address
- Description of Public Records Request
- Type of Request (paper, electronic, or onsite inspection)
- Signature

Should a request be made orally (in person or by telephone), the Public Records Officer will confirm receipt of the information and the substance of the request in writing using the THA form.

7.3 Response to Records Requests

Within five business days of receiving a public records request, the Agency will either:

- (1) provide the record;

(2) acknowledge the receipt of the request and provide a reasonable estimate of the time that is required to respond to the request;

(3) deny the request, in whole or in part, and provide specific statutory authority for the denial; or

(4) request clarification if the request is unclear.

Additional time may be required to respond based upon the need to clarify the intent of the request, to locate and assemble the records requested, to notify third persons or agencies affected by the request, or to determine whether any of the records requested are exempt from public disclosure. Public records may be provided on a partial or installment basis as records that are part of a larger set of requested records are assembled and made ready for disclosure. In any case, the PRO will provide a written response within five (5) business days.

7.4 Time for Inspection and Copying

As provided in [RCW 42.56.090](#), public records shall be available for inspection and copying during THA's customary office hours of the Agency. Customary business hours are posted at THA and on the THA web site.

7.5 Facilities for Copying – Availability of Public Records

Upon request for identifiable public records, THA will make them promptly available to any person including, if applicable, on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure. THA will not deny a request for identifiable public records solely on the basis that the request is overbroad. THA does not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate [RCW 42.56.070\(9\)](#) or any other statute which exempts or prohibits disclosure of specific information or records to certain persons. THA facilities are available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt THA's operations. THA honors requests received by mail for identifiable public records unless exempted by provisions of this chapter.

7.6 Identifiable Public Records Requests

[RCW 42.56.080](#) provides that "Public records shall be available for inspection and copying, and agencies shall, upon request for identifiable public records, make them promptly available to any person. . . ." The use of the word "identifiable" in the statute means that THA is only required to disclose reasonably described records already in existence, since those are the only records that can be identified. THA is not required to generate records or analyze data in response to a request for information.

7.7 Records Exempt From Disclosure

Although documents that perpetuate, communicate, or formalize knowledge are public records, not all information found in public records is subject to

dissemination or release pursuant to [RCW 42.56](#) and other applicable law, including but not limited to the following:

- a) Personal information in files maintained for employees, appointees, or volunteers and such other personal information which would constitute an invasion of privacy, including, but not limited to, residential addresses and telephone numbers, employment applications, and employment tests.
- b) Preliminary drafts, notes, recommendations and departmental memoranda in which opinions are expressed or policies formulated or recommended in connection with any THA action, except when publicly cited.
- c) Contents of any real estate appraisals made for or by the Agency relative to the acquisition or sale of property by the Agency are exempt until three (3) years after the date of the appraisal or until sale is abandoned or property sold.
- d) Valuable designs, drawings, research data, etc., obtained within five (5) years of the request of disclosure, when disclosing would provide private gain and public loss.
- e) Records relevant to controversy to which the Agency is party, but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts are exempt from disclosure.
- f) Documents maintained by participants in the Section 8 housing program and other participants in any other federally assisted housing program, including documents with personally identifiable information of these participants as required by the Federal Privacy Act of 1974.
- g) Personally identifying numbers such as social security numbers, driver's license numbers, financial account numbers, employer identification numbers and other similar personally identifying numbers.

7.8 Request Hours and General Copying Information

Records will be available for inspection and copying during the customary office hours. Customary [business hours](#) are posted at THA and on the THA website. Records must be inspected at the 902 South L Street, Tacoma, WA 98405 office of THA. If the records are made available on a partial or installment basis, the Agency may charge for each part of the request as it is provided.

If a requestor has not made arrangements to review or claim records within thirty (30) days of notice that the records are available, the Public Records Officer may close the request.

If an installment of a records request is not paid for or reviewed within thirty (30) days after the Agency provides notice of availability of the installment, the Agency is not obligated to fulfill the balance of the request. In addition, because the Agency is prohibited from lending its credit, a requestor must prepay the

estimated copy cost for any copies that must be made by an outside vendor. As copying facilities and the Agency's files are located in an "Employee Only" area of the Agency, for security purposes and to avoid unreasonable disruption of operations, the Agency cannot offer these facilities for public use.

7.9 Protection of Original Records

THA owns its public records (subject to the public's right, as defined in the Act, to inspect or copy nonexempt records) and must maintain custody of them. Therefore, THA does not allow a requestor to take original THA records out of the THA's office. THA may send original records to a reputable commercial copying center to fulfill a records request if there are reasonable precautions to protect the records. In order to comply with the Act and protect the integrity of public records from loss, damage, or disorganization, the Agency will allow original records to be reviewed under the following guidelines:

- a) A THA staff person must supervise the inspection to ensure that the requestor does not remove, alter or add to the records.
- b) No original records may be removed from the Agency unless court ordered.
- c) Original files or books will only be released one at a time for review.
- d) To protect from accidental erasures or problems with equipment compatibility and accessibility, a certified copy of any original requested recording(s) will be available for listening at Agency. Requests to listen to recording(s) shall be made one day in advance to allow for the time necessary to make the recording(s) available. Multiple requests may take more than one day before they are made available.

7.10 Electronic Records

Unless the electronic records are specifically requested by the requester in electronic format, the Public Records Officer, at the officer's option, may print electronic records prior to copying and delivery of such records. If the record necessitates redaction due to an exemption, THA is under no obligation to provide the record electronically. If the electronic record is not capable of being printed out due to its size, then the document may be provided electronically in the format in which the record is maintained by THA or in Adobe PDF format. THA has no obligation to convert an electronic record to a different format.

7.11 Records Retention Policy

It is Tacoma Housing Authority's process to follow the shortest applicable timeline for a given category of records in the Washington State Archives Local [Government Common Records Retention Schedule \(CORE\)](#) and the [Housing Authorities Records Retention Schedule](#).

An agency is not required to retain every record it ever created or used. The state and local records committees approve a general retention schedule for state and

local agency records that applies to records that are common to most agencies. Individual agencies seek approval from the state or local records committee for retention schedules that are specific to their agency, or that, because of particular needs of the agency, must be kept longer than provided in the general records retention schedule.

Retention schedules vary based on the content of the record. For example, documents with no value such as internal meeting scheduling e-mails can be destroyed when no longer needed, but documents such as periodic accounting reports must be kept for a period of years. Because different kinds of records must be retained for different periods of time, an agency is prohibited from automatically deleting all e-mails after a short period of time (such as thirty days).

While many of the e-mails could be destroyed when no longer needed, many others must be retained for several years. Indiscriminate automatic deletion of all e-mails after a short period may prevent an agency from complying with its retention duties and could complicate performance of its duties under the Public Records Act. An agency should have a retention policy in which employees save retainable documents and delete nonretainable ones. An agency is strongly encouraged to train employees on retention schedules.

The lawful destruction of public records is governed by retention schedules. The unlawful destruction of public records can be a crime. [RCW 40.16.010](#) and [RCW 40.16.020](#).

An agency is prohibited from destroying a public record, even if it is about to be lawfully destroyed under a retention schedule, if a public records request has been made for that record. [RCW 42.17.290/42.56.100](#). Additional retention requirements might apply if the records may be relevant to actual or anticipated litigation. The agency is required to retain the record until the record request has been resolved. An exception exists for certain portions of a state employee's personnel file. [RCW 42.17.295/42.56.110](#).

Note: An agency can be found to violate the act and be subject to the attorneys' fees and penalty provision if it prematurely destroys a requested record. See [Yacobellis v. City of Bellingham, 55 Wn. App. 706, 780 P.2d 272 \(1989\)](#).

[Statutory Authority: 2005 c 483 § 4, RCW 42.17.348. WSR 06-04-079, § 44-14-03005, filed 1/31/06, effective 3/3/06.]

7.12 Cost of Providing Public Records

The Agency does not charge for the staff time spent in locating a public record or for making a record available for inspection. The Agency can however, charge for the actual costs connected with copying public records, including the staff time spent making the copies. The Agency cannot charge more than fifteen cents a page for photocopying unless the Agency has calculated its actual costs per page and determined that they are greater than fifteen cents.

Actual costs for postage and delivery can be included, as well as the cost of any envelopes. If the Agency has to pay an outside source for making duplicates of

records such as photographs, blueprints or tape recordings, the Agency can also pass those costs on to the requestor. [RCW 42.56.070\(7\) & \(8\)](#) and [RCW 42.56.120](#).

Delivery Method/Materials	Description	Cost
Paper copies	Photocopies or printed electronic copies	15 cents/page
Scans	Records scanned into electronic format	10 cents/page
Online delivery	Records uploaded to email, cloud storage service, or other electronic delivery system	5 cents for every four electronic files
Electronic transmission	Records transmitted in electronic format or for use of agency equipment to send records electronically	10 cents/gigabyte
USB/Discs	Digital storage media or device (e.g., USB, CD, DVD)	Actual cost
Mailing materials	Any container or envelope used to mail copies	Actual cost
Postage	Postage or delivery charges	Actual cost
Outside vendor	Outside vendors used due to unusual formats, volume, current THA staff workload, or any other reason	Actual cost
Customized service	Customized service if THA estimates that the request would require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by THA for other agency purposes. THA will not assess a customized service charge unless it has notified the requestor of the charge to be applied to the request, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimate of the charge.	Actual cost

***NOTE:** Fees may be charged above the basic fee schedule if a department has determined specific charges for a particular record.

7.13 Review of Denials of Public Records

- a) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the Public Records Officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the Public Records Officer or designee denying the request.
- b) **Consideration of petition for review.** The Public Records Officer shall promptly provide the petition and any other relevant information to (Public Records Officer's supervisor or other agency official designated by

the agency to conduct the review). That person will immediately consider the petition and either affirm or reverse the denial within two business days following the Agency's receipt of the petition, or within such other time as Tacoma Housing Authority and the requestor mutually agree to.

- c) **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.17.340/42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.