

EVERETT HOUSING AUTHORITY PUBLIC RECORDS POLICY

AUTHORITY AND PURPOSE

This policy establishes the procedures which the Housing Authority of the City of Everett (EHA) 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 EHA and establishes processes for both requestors and EHA staff.

In carrying out its responsibilities under the Washington Public Records Act (“PRA”), Chapter 42.56 RCW, EHA will be guided by the provisions of the act describing its purposes and interpretation. Except where mandated by statute, the guidelines in this policy are discretionary and advisory only and shall not impose any affirmative duty on t EHA. EHA reserves the right to apply and interpret this policy within its sole discretion and to revise or change the policy at any time.

AGENCY DESCRIPTION

Everett Housing Authority is a public housing authority providing income-based housing, Section 8 Housing Choice Vouchers, and other affordable housing and related programs in Snohomish County, Washington.

EHA’s central office is located at 3107 Colby Avenue, Everett, WA 98201. EHA has support offices at 3020 Broadway, 3017 Lombard, 2715 15th Street, 2605 15th Street, 716 Linden Street, 2701 12th Street, 1401 Poplar Street, 1123 Rainier Avenue, 220 ½ 98th Place SE, and 11109 16th Avenue SE all in the City of Everett.

PUBLIC RECORDS OFFICER

The Executive Director of EHA shall designate a Public Records Officer.

Requests for public records of the EHA, or those seeking assistance in making such a request, should contact:

Everett Housing Authority
Attn: Public Records Officer
Mailing Address:
PO Box 1547
Everett, WA 98206-1547
Street Address:
3107 Colby Avenue
Everett, WA
Telephone: 425-303-1121
Fax: 425-303-1122
E-mail: publicrecordsofficer@evha.org

Information is also available at the EHA's web site at www.evha.org.

The Public Records Officer will oversee EHA's compliance with the PRA and this policy, but the Public Records Officer may delegate the responsibilities of processing requests to other EHA staff. Accordingly, any reference in this Policy to the "Public Records Officer" means the Public Records Officer or applicable designee.

The Public Records Officer will provide the "fullest assistance" to requestors, ensure that public records are protected from damage, disorganization, and improper disclosure, and prevent the fulfillment of any PRA request from causing excessive interference with essential functions of EHA.

AVAILABILITY OF PUBLIC RECORDS

Public records are available for inspection and copying during the customary office hours of EHA, which are posted on EHA's website at www.evha.org. Records can also be made available outside of regular office hours, excluding legal holidays, by appointment. Records must be inspected at the 3107 Colby Avenue office of EHA. There is no charge or fee for reviewing or inspecting public records or for the time and expense, if any, in locating and assembling such records.

Inspection will be denied and the records withdrawn by the Public Records Officer if the requestor, when reviewing records, acts in a manner which will mark, damage or substantially disorganize the records or interfere with other essential functions of Everett Housing Authority.

MAKING A REQUEST FOR PUBLIC RECORDS

While no particular format is required to make a public records request, EHA recommends making the request in writing on EHA's request form. The form is available for use by requestors at EHA's central office and online at EHA's website: www.evha.org. In order to aid timely disclosure of records, requests should be made to the Public Records Officer and should include the following information:

- a. Name and contact information of the requestor;
- b. Date of the request;
- c. A detailed description of the public records being requested;
- d. Whether the requestor wants copies, or wants to inspect the requested records; and
- e. If copies are requested, the address where copies should be mailed.

The Public Records Officer shall confirm in writing (e-mail allowed) all oral requests, indicating receipt of the information and the substance of the request.

PROCESSING OF PUBLIC RECORDS REQUESTS

Initial Response to Records Request

Within five business days of receipt of the request, the Public Records Officer will do one or more of the following:

- a. Notify the requestor in writing that the records are available;
- b. Send copies of the records to the requestor if copying fees have been received (unless waived by EHA) or other terms of payment are agreed upon, with a letter acknowledging or closing the request as appropriate;
- c. Send a letter acknowledging the request and providing a reasonable estimate of when records or an installment of records will be available (the Public Records Officer may revise the estimate of when records will be available);
- d. Send a letter acknowledging the request and asking the requestor to provide clarification for a request that is unclear, and provide, to the greatest extent possible, a reasonable estimate of time EHA will require to respond to the request if it is not clarified; or
- e. Send a letter denying the request.

EHA reserves the right to direct requestors to the EHA website if a requested record is posted to the website. The Public Records Officer shall make reasonable efforts to assist any requestor who cannot easily access the internet.

If EHA does not respond in writing within five business days of receipt of the public records request, the requestor should consider contacting the Public Records Officer to determine the reason for the failure to respond.

Unclear and Invalid Requests

In acknowledging receipt of a request that is unclear or ambiguous, EHA may ask the requestor to clarify what records the requestor is seeking. Such clarification may be requested and provided by telephone, but will then be confirmed in writing by the Public Records Officer. If the requestor fails to clarify the request, and the entire request is unclear, EHA may deem the request abandoned and need not respond to it. EHA will respond to any portions of the request that are clear.

Requests must be for identifiable public records. A request for all or substantially all of EHA's records will not be considered a valid request for identifiable records.

Records Exempt From Disclosure

Some records are exempt from disclosure, in whole or in part, based on the PRA, the laws and regulations identified in Appendix A, or under other state or federal law. If EHA believes that a record is exempt from disclosure and should be withheld, the Public Records Officer will provide the requestor with a brief written explanation of why the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the Public Records Officer will redact the exempt portions, provide the nonexempt portions, and provide a

brief written explanation to the requestor of why portions of the record are being redacted. An exemption log may be provided to the requestor to assist in identifying and explaining the basis for specific redactions or withholdings.

EHA is prohibited by statute from disclosing lists of individuals for commercial purposes.

Providing Electronic Records.

When records are requested in an electronic format, the Public Records Officer will provide the nonexempt records, or portions of such records that are reasonably locatable, in an electronic format that is used by EHA and is generally commercially available, or in a format that is reasonably translatable from the format in which the EHA keeps the records. Fees associated with electronic records are addressed below.

Failure to Claim or Review Records

The requestor must claim or review the assembled records within thirty (30) days of EHA's notification to the requestor that the records are available for inspection or copying. The agency will notify the requestor in writing of this requirement and direct the requestor to contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the EHA may close the request and re-file the assembled records.

Providing Records in Installments

When the request is for a large number of records, or where some records are more readily available or require no redaction, the Public Records Officer may elect to provide records on an installment basis. In such cases, the Public Records Officer shall provide a reasonable estimate in the initial response as to when the first installment will be available. The Public Records Officer shall send additional written notice as installments become ready for inspection or copying. If a requestor does not contact the Public Records Officer within thirty (30) days of any such notification to arrange for the review of the first installment or any subsequent installment, EHA may deem the request abandoned and stop fulfilling the remainder of the request.

Closing of Request

When the inspection of the requested records is complete and all requested copies have been provided, or the EHA has completed a reasonable search and not located any responsive records, the Public Records Officer shall send the requestor a "Closing Letter" (email allowed) informing the requestor that EHA has fully responded to the records request. Upon receipt of the Closing Letter, the requestor should immediately inform the Public Records Officer if the requestor does not think EHA has fully complied with the request.

If the requestor either withdraws the request, or fails to clarify an entirely unclear request, or fails to fulfill his or her obligations to inspect the records, pay the deposit, pay the required fees for an installment, or make final payment for the requested copies, the Public Records Officer will send the requestor a Closing Letter (email allowed) stating that EHA has closed the request.

Log of Records Requests

The Public Records Officer will maintain a log of public records requests submitted to and processed by EHA, which shall include the identity of the requestor (if provided), the date the request was received, the text of the request, a description of the records produced, a description of the records redacted or withheld, the reasons for redaction or withholding, and the date of the final disposition of the request.

COSTS OF PROVIDING COPIES OF PUBLIC RECORDS

There is no fee for inspecting public records, including inspecting records available on EHA’s website, nor for the time and expense in locating public records and making them available for copying.

Costs for Providing Copies of Records (Statutory Default Costs)

EHA does not calculate the actual costs of providing public records, including electronic records, because to do so would be unduly burdensome for the following reasons: EHA does not have the resources to conduct a study to determine actual copying costs for all of its records; to conduct such a study would interfere with other essential agency functions; and, through the legislative process, the public and requestors have commented on and been informed of authorized fees and costs provided in the Public Records Act, including RCW 42.56.120 and other laws. Accordingly, it is more cost efficient, expeditious, and in the public interest for EHA to adopt the state legislature’s approved fees and costs for most of EHA’s records, as authorized in RCW 42.56.120 and set forth in EHA’s fee schedule, below.

Fee Schedule

Photocopies or printed copies of electronic public records when requested by the person requesting records	\$0.15 per page
Scanned records	\$0.10 per page
Records uploaded to email, or cloud-based data storage service, or other means of electronic delivery	\$0.05 per 4 electronic files
Records transmitted in an electronic format	\$0.10 per gigabyte
CD, DVD, thumb drive, or other digital storage media or device	Actual cost
Postage or delivery charges	Actual cost of postage or delivery, plus actual cost of any container or envelope used to mail or deliver records

The above charges may be combined to the extent that more than one type of charge applies to copies produced in response to a particular request. The requestor may ask for a summary of applicable charges before any copies are made.

EHA may, as an alternative to the above fees, charge a flat fee of up to \$2.00 for any request where the Public Records Officer reasonably estimates and documents that the costs under the fee schedule are clearly equal to or more than \$2.00. If the request is being fulfilled in installments, no additional flat fee will be charged for any installment after the first installment.

Depending on the size, nature (e.g., color copies), or number of requested copies, document copying may be contracted to another provider, and the actual cost of the copies shall be the responsibility of the requestor.

For larger requests, EHA may require a deposit of up to ten percent of the estimated costs of copying all of the records. The Public Records Officer may also require the payment of the remainder of the copying costs before providing all of the records, or the payment of the costs of copying an installment before providing that installment.

The Public Records Officer may elect to waive the fees for a request for purposes of administrative convenience or based on other reasonable grounds. Additionally, EHA may agree to an alternative fee arrangement with a requestor.

Customized Service Charges

EHA may charge a customized service charge for the actual costs incurred for requests requiring information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by EHA for other EHA purposes.

In the event EHA believes the request requires such expertise or customization, EHA will notify the requestor of the customized service charge, explain why the charge applies, describe the specific expertise needed, and provide a reasonable estimate of the cost of the charge. The notice will provide the requestor an opportunity to amend the request to avoid the customized service charge.

Payment

Payment may be made by cash, check, or money order to the Everett Housing Authority. Credit card payments are not accepted.

RECORDS PRESERVATION

EHA shall comply with state and federal laws affecting the maintenance and preservation of public records. This includes but is not limited to the guidelines promulgated by the Secretary of State Division of Archives and Records Management: the Local Government Common Records Retention Schedule (CORE) and the Public Housing Authorities Records Retention Schedule. If

a request is made at a time when a requested record exists but is scheduled for destruction in the near future for any reason, the Public Records Officer shall retain possession of the record and may not destroy or erase the record until the request is resolved.

PUBLIC RECORDS INDEX

For the reasons stated in Resolution No. 1246, incorporated herein by reference, the EHA finds that it would be unduly burdensome and would interfere with EHA operations to maintain an index of records. EHA will make available for public disclosure all indices which may at a future time be developed for EHA use.

REVIEW OF DENIALS OF PUBLIC RECORDS

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 should include a copy of or reasonably identify the written statement by the Public Records Officer or designee denying the request.

Consideration of Petition for Review

The Public Records Officer shall promptly provide the petition and any other relevant information to the Executive Director of EHA or the Executive Director's designee. That person will immediately consider the petition and either affirm or reverse the denial within two business days following EHA's receipt of the petition, or within such other time as EHA and the requestor mutually agree to.

DISCLAIMER OF LIABILITY

All acts of officers or employees pursuant to public disclosure laws shall constitute a duty to the public only and are not intended to create or fulfill a duty to any particular person or group of persons. Neither the Everett Housing Authority nor any officer, employee, official, or custodian shall be liable, nor shall cause of action exist, for any loss or damage based upon release of public records if the person releasing the records acted in good faith in attempting to comply with this policy.

This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Despite the use of any mandatory terms such as "shall," nothing in this policy is intended to impose mandatory duties on the Everett Housing Authority beyond those imposed by state and federal law.

APPENDIX A
**Exemption and Prohibition Statutes
Pertaining to Public Records Disclosure**
(Not Listed in Chapter 42.56 RCW)

The following statutes are listed in addition to any exemptions in Chapter 42.56 RCW. This list is for informational purposes and is not intended to be exclusive or exhaustive. Public records may be exempt from disclosure under other laws.

Washington State Statutes

RCW 4.24.550	Information on sex offenders to public
RCW 5.60.070	Court-ordered mediation records
RCW 19.215.020	Destruction of personal health and financial information
RCW 19.34.240(3)	Private digital signature keys
RCW 19.108.020	Misappropriation of trade secrets
RCW 19.215.030	Compliance with federal rules
RCW 26.44.030	Reports of child abuse/neglect
RCW 27.53.070	Records identifying the location of archaeological sites
RCW 42.23.070(4)	Municipal officer disclosure of confidential information prohibited
RCW 42.41.030(7)	Identity of local government whistleblower
RCW 42.41.045	Non-disclosure of protected information (whistleblower)
RCW 48.62.101	Local government insurance transactions – access to information
RCW 50.13.060	Access to employment security records by local government agencies
RCW 51.28.070	Worker’s compensation records
RCW 51.36.060	Physician information on injured workers
Chapter 70.02 RCW	Medical records – health care information access and disclosure
RCW 70.123.075	Client records of domestic violence programs

Federal Confidentiality Statutes and Rules

5 U.S.C. § 552a	Federal Privacy Act
42 U.S.C. §405(c)(2)(vii)(I)	Limits on Use and Disclosure of Social Security Numbers