



## Public Records Requests

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### Approvals

- Committee Approval: Non-Clinical Policy Review Committee approved on 10/10/2022
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## Policy & Procedure : Public Records Requests

### Policy:

Consistent with the Public Records Act, Chapter 42.56 RCW ("Act"), it is the policy of Lewis County Hospital District No. 1 ("District") to make identifiable, non-exempt public records available for inspection and copying upon request and to publish policies to inform the public how access to public records will be accomplished.

The purpose of this policy is to establish the procedures the District will follow in order to provide the public full and timely access to public records of the District, mindful of individuals' privacy rights and the desirability of efficient administration of the District. The Act and this policy will be interpreted in favor of disclosure. In carrying out its responsibilities under the Act, the District will be guided by the provisions of the Act, describing its purposes and interpretation. Access to specific types of District records, and the copying or other fees associated with such access, may be governed by statutes or regulations other than the Act and may be subject to separate District policies. This policy does not supersede other applicable statutes or regulations or associated District policies governing access to such records.

### Procedure:

#### 1. Providing "Fullest Assistance."

- a. This policy will identify how the District will provide full access to and /or provision of public records, prevent excessive interference with other essential functions of the agency, provide fullest assistance to requestors and provide the timeliest possible action on public records requests.

#### 2. Making a Public Records Request.

- a. The District directs that all requests for access to District records be made by completing the fillable Public Records Request Form on the District's website, which will automatically be submitted to the Public Records Officer after completing the online process. Requests for records or to inspect or copy any records maintained by the District shall be made to the Public Records Officer through the following:
  - i. Website: [www.myarborhealth.org](http://www.myarborhealth.org) (Fillable Form)
  - ii. Mail: Arbor Health, Attention: Public Records Officer, PO Box 1138, Morton, WA 98356
  - iii. In Person: Arbor Health, Morton Hospital (Business Hours 8:00 am-4:00 pm)
  - iv. Phone: 360.496.5112 (Business Hours 8:00 am-4:00 pm)
- b. All Public Records Requests will be addressed through the Public Records Officer. If any other District employee or official receives a public records request, that individual must take immediate steps to ensure that the request is provided to the Public Records Officer.
  - i. For requests made in writing, whether by email or otherwise, the District employee or official shall immediately forward the request to the Public Records Officer.
  - ii. For requests made orally, whether in person or by telephone, the District employee or official shall first encourage the requestor to complete the online fillable form. If the requestor declines, they should be directed or escorted to the office of the Public Records Officer. Unless the requestor is personally escorted, the District employee or official shall follow up with a phone call that day to ensure that the Public Records Officer has been made aware of the request. If the requestor declines both options, the District employee or official shall immediately redo the request to writing using the District's online fillable form or, if necessary, a hard copy of the form found in the document management system.
- c. The Public Records Officer shall confirm in writing (email permitted) all oral requests made in person or by telephone, validating receipt of the information and the substance of the request. If the Public Records Officer has received a request that was completed by a District employee or official on behalf of a requestor, the Public Records Officer shall confirm with the requestor in writing that the request has been correctly memorialized.

#### 3. Acknowledging Receipt of Public Records Requests.

- a. Within five business days of receipt of the request, the Public Records Officer will do one or more of the following:
  - i. Fulfill the request by providing the requested records or making them available for inspection or copying.
  - ii. Acknowledge receipt of the request and provide in writing a reasonable estimate of when records or an installment of records will be available.
  - iii. If the request is "overbroad," unclear or does not sufficiently identify the requested records, further clarification will be requested. The District will provide, to the greatest extent possible, a reasonable estimate of the time the District will require to respond to the request if it is not clarified.
  - iv. Deny the request in writing in accordance with Washington law.
- b. If the District does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the Public Records Officer to determine the reason for failure to respond.

#### 4. Specific Issues Regarding Public Records Requests.

- a. Overbroad Requests: The District may not deny a request for identifiable public records solely because the request is overbroad. However, the Public Records Officer may seek clarification, ask the requestor to prioritize the request so that the most important records are provided first, and/or collaborate with the requestor to limit the size and complexity of the request. While it would be helpful, a requestor is not required to prioritize or limit a request. A request for all or substantially all District records is not a valid request. A request for all records regarding a particular topic or containing a particular keyword or name shall not be considered a request for all District records.
- b. Unclear Requests: Requests must be for identifiable records. An identifiable record is one in existence at the time the records request is made and that District staff can locate after an objectively reasonable search. If the request is unclear or does not sufficiently identify the requested records, the Public Records Officer will send a written request for clarification to the requester. If the requester does not respond to the District's request for clarification within thirty (30) days of the District's request, the Public Records Officer may consider the request abandoned, send a letter to the requester closing the request, and re-file any records that may have been gathered in response to the request. The District will respond to any portions of the request that are clear.
- c. Nature/Scope of Request: A requester need not state the purpose of the request. However, the Public Records Officer may inquire about the request as outlined in the aforementioned issues or seek sufficient information to determine if another statute may prohibit disclosure.
- d. Commercial Use: If the request is for a list of individuals, the Public Records Officer should ask the requester if they intend to use the records for commercial purposes. The District is not authorized to provide lists of individuals for commercial purposes. See RCW 42.56.070(9).
- e. Records in Installments: When a request is for a large volume of records, the Public Records Officer may elect to provide the responsive records or access for inspection and copying of records on an installment basis. When a request uses an inexact phrase such as "all records relating to," the Public Records Officer may interpret the request to be for records which directly and fairly address the topic. When the requester has been provided the records or access to the records they are seeking, the requester should advise the Public Records Officer when additional installments are no longer necessary. If the requester fails to pick up, pay for (when applicable), or inspect the set of responsive records or one or more of the installments within 30 days, the Public Records Officer may stop searching for the remaining records and close the request in writing to the requester.
- f. Reasonable Estimate of Time to Respond: If the requested records are not provided with the Public Records Officer's initial response letter, the Public Records Officer must provide a reasonable estimate of the time it will take to respond to the request or make available an initial installment of records. Additional time may be needed to clarify the scope of the request, locate and assemble the records, review the records for applicable exemptions, redact confidential information, prepare a withholding index, notify third-party persons or agencies affected by the request, and/or consult with the District's Attorney about whether the records are exempt from disclosure. This list is not exhaustive, and the District reserves the right to require additional time as permitted by the Act or other applicable federal or state law. Should an extension of time be necessary to fulfill the request, the Public Records Officer will provide in writing a revised estimate of the time it will take to release the documents.
- g. Bot Requests: The District will deny a bot request that is one of multiple requests from the requester within a twenty-four hour period, when responding to the multiple requests would cause excessive interference with other essential functions of the District. "Bot request" means a request for records that the District reasonably believes was automatically generated by a computer program or script.

#### 5. Coordination of Response.

- a. Upon notification by the Public Records Officer of a Public Records Request, District employee(s) will assess and determine a reasonable timeframe for the provision of the requested records, and shall communicate the reasonable timeframe to the Public Records Officer within two business days.
- b. The District shall maintain a log of public records requests submitted to and processed by the District, which shall include the identity of the requester (if provided by the requester), the date the request was received, the text of the request, a description of the records produced in response to the request, a description of the records redacted or withheld, the reasons for redaction or withholding, and the date of the final disposition of the request. The log must be retained by the agency in accordance with the relevant record retention schedule established under this chapter, and shall be a public record subject to disclosure under the Act.
- c. The District will conduct an objectively reasonable search for responsive records. The Public Records Officer will work in conjunction with department directors to identify and take reasonable steps to narrow down the number of records assembled to those that are responsive to the request. However, the Public Records Officer is allowed to provide arguably, but not clearly, responsive records to allow the requester to select the ones they want, particularly if the requester is unable or unwilling to help narrow the scope of the documents being sought.
- d. If a record has been requested but is scheduled for destruction under the District's records retention schedule, the District shall not destroy the record until the public disclosure request has been resolved. Once the request has been closed, the Public Records Officer can destroy the record in accordance with the retention schedule.

#### 6. Availability /Inspection/Provision of Requested Records.

- a. District Website. When practicable, certain District records will be made available on the District's website at [www.mylarborhealth.org](http://www.mylarborhealth.org), e.g., agendas, minutes, packets, etc. Requesters are encouraged to view the documents on the website prior to submitting a Public Records Request.
- b. New Records. The District is not obligated to create a new record to satisfy a records request. However, the District may in its discretion create a new record to fulfill a request where, for example, it may be easier for the District to create a record responsive to the request than to collect and make available voluminous records that contain small pieces of information. If a new record is being created as a substitute for providing other identifiable public records in response to a valid request, the Public Records Officers must confirm with the requester in writing that the new record satisfied the request.
- c. Copies of Records. The Public Records Officer will notify the requester when the entire response or an installment is available. The Public Records Officer will notify the requester of fees that are payable to the District and will provide responsive records after such payment is received by the District.
- d. Inspection of Records. Public records are available for inspection and copying during the District's customary office hours, which are Monday through Friday (except legal holidays) from 8:00 a.m. to 4:00 p.m. The Public Records Officer will notify the requester when the entire response or an installment is available for inspection. The District and the requester may make mutually agreeable and prompt arrangements for times of inspection and copying. However, the District shall have final say regarding hours for inspection.
  - i. The inspection of records cannot create excessive interference with essential office functions. If large volumes of records are being inspected, the District may choose to pose a time limit and reschedule additional inspection time(s).
  - ii. The District will provide space to inspect public records.
  - iii. The District must "protect public records from damage or disorganization" (RCW 42.56.100); therefore:
    - I. The requester will not be allowed to take originals from the District's allocated space of inspection.
    - II. The District will appoint an employee to observe the inspection of the records to ensure the original records are not altered or destroyed.
    - III. No record may be marked, defaced, torn, damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public.

- IV. Records maintained in a file jacket or binders, or in chronological order, may not be dismantled except for the purpose of copying, and then only by District staff.
- V. If the requestor seeks copies, the District's appointed employee will provide the requestor with the per page costs associated with the request, prior to making the copies. The District's appointed employee will make copies of all or selected records made by the requestor, to ensure the original record is not altered or destroyed. The Requestor is obligated to pay for copied records prior to being provided with said records.
- iv. If the District is unable to provide access to the requested records within the stated estimated timeframe, the Public Records Officer will inform the requestor in writing of the additional time it will take to make the records available.
- v. The Act does not allow a requestor to search through the District's files for records which cannot be identified or described to the District.
- vi. The requestor must claim or review the assembled records within thirty (30) days of the District's notification to the requestor that the records are available for inspection or copying. The District shall notify the requestor in writing of this requirement and direct the requestor to contact the District to make arrangements to claim or review the records. If the requestor fails to claim or review the records within the 30-day period or make other arrangements, the District may consider the request abandoned unless the requestor seeks an additional amount of time to review the records.
- e. Electronic Records
  - i. Electronic Format. If a requestor requests a copy of an electronic record in its native format, the District will produce the record in its native format as long as the requested record (including metadata) does not contain any exempt information.
  - ii. Customized Service Charges. The District 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 the agency for other agency purposes. In the event the District believes the request requires such expertise or customization, the District 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.
  - iii. Databases. If the District can generate a report from the database with the requested non-exempt information through the standard process it uses for creating reports from this database, then the District shall generate a report with the specified information and handle the request as it would any request for an electronic record not containing exempt information. If the request requires additional steps, then the District will treat the request as seeking customized access.
  - iv. Review of Electronic Record. If the requestor requests to review the record or has requested a copy but lacks the necessary software to review the record in electronic form, the District may make a computer available to allow the requestor to review the record electronically. The requestor will not be allowed access to any other electronic record, except for the file(s) requested.
  - v. Electronic Records with Exempt Data. When a record (including metadata) contains exempt information, the exempt information shall be redacted before the record is produced. Redactions may be made by either printing the record and redacting exempt information by hand or converting the record into an electronic format that can be electronically redacted and electronically redacting the exempt information. Alternatively, if the requestor wants the record in its native electronic format, the District will treat the request as seeking customized access.
  - vi. A New Record. When a requestor seeks an electronic record in its native format that contains exempt information, the District will "redact" the exempt information by creating a new record in the native format without the exempt information, provided that the requestor agrees to pay for the costs of this customized access. The District may also choose to create a new record as the most cost-effective way to redact information, provided that the requestor consents. The Public Records Officer will notify the requestor of all associated charges prior to generating a new record or allowing for customized access.
  - vii. Computer Programming. If the requestor seeks information from a database that requires additional programming to generate a report with the requested information, the District may provide this customized access, provided that the District possesses the technological capability to do such programming and provided that the requestor agrees to pay for the costs of this customized access. If a requestor seeks access to the actual database itself and additional programming is required to allow this access or to ensure the requestor cannot access exempt information, the District may provide this customized access, provided that the District possesses the technological capability to do such programming and provided that the requestor agrees to pay for the costs of this customized access. Under no circumstances shall a requestor be given access to a database if it is not possible to protect Health Care Information, Quality Improvement Information, or other exempt information. The Public Records Officer will notify the requestor of all associated charges prior to generating a customized report or allowing for customized access.
  - viii. Metadata. If a requestor seeks metadata from a record that contains Health Care Information, Quality Improvement Information, or other exempt information, and the District possesses the technological capability, the District may provide a report containing that metadata with all exempt information redacted as it relates to Health Care and Quality Improvement Information.
- f. Disclosure of a Record in Error. The District and its officials or employees are not liable for loss or damage based on release of a public record if the District, official or employee acted in good faith in attempting to comply with the Public Records Act.

## 7. Fees for Public Records.

- a. No Charge for Inspecting or Locating Public Records. The District will not charge for locating a public record or for making records available for inspection or copying.
- b. Costs for Providing Copies of Records (Statutory Default Costs). The District is not calculating the actual costs of providing public records, including electronic records, because to do so would be unduly burdensome for the following reasons: the District 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 District 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 of the District to adopt the state legislature's approved fees and costs for most of the District's records, as authorized in RCW 42.56.120 and set forth in the District's fee schedule.
- c. Fee Schedule. The charges outlined below 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.
  - i. Hard Copy Records: The fee is 15 cents a page for hard (paper) copy
  - ii. Scanned Records: The fee is 10 cents a page for scanning (electronic) hard (paper) copy records
  - iii. Electronic Uploads: The fee is 5 cents for each 4 (four) electronic files for records uploaded to email, cloud-based data storage service, or other electronic delivery

- iv. Electronic Transmission: The fee is 10 cents per gigabyte for records transmitted in electronic format
- v. Digital Storage Media: The fee is the actual cost of storage media or devices (i.e. Thumb Drive, External Hard Drive, CD, etc.)
- vi. Shipping Materials: The fee is the actual cost of containers or envelopes used to mail copies
- vii. Postage: The fee is the actual cost of postage or delivery charges
- viii. Custom Service Fee: The fee is the actual cost of when the request would require the use of IT expertise or third-party customized access charges
- ix. Color Photographs: Please contact us for fees associated with printed color copies of photographs. The District may determine to use a commercial copying center or other vendor for voluminous requests, color or non-standard size copies, or in the event of circumstances within the District in which an outside vendor is needed. The actual cost will be passed along to the requestor in the amount charged by the vendor
- d. Deposits or Payments by Installments. Prior to the records being copied, the Public Records Officer may require a deposit of up to 10 percent of fees at or above \$100 for copying the responsive records. The Public Records Officer will require payment of the remainder of the copying costs before providing the records, or the payment of the costs of copying an installment before providing that installment.
- e. Alternative Flat Fee. The District may, as an alternative to the charges listed in the fee schedule, 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.
- f. Method of Payment. Payment by cash, check or money order may be made at Patient Access and made payable to Arbor Health.
- g. Waiver of Copying Costs; Alternative Fee Arrangements. 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, the District may agree to an alternative fee arrangement with a requestor.

#### 8. Exemptions, Redactions, and Third-Party Notice.

- a. Exemptions and Redactions. Some records are exempt from disclosure, in whole or in part, based on the Act, the laws and regulations identified in Appendix A, or under other state or federal law. If the District believes that a record is exempt from disclosure and should be withheld, the Public Records Officer will state the specific exemption and provide a brief written explanation of why the record is being withheld. If only a portion of the record is determined to be exempt, the Public Records Officer will redact the exempt portions, provide the non-exempt portions, and provide a brief written explanation 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 .
- b. Notice to Third Parties. In the event that the requested records specifically pertain to an individual or organization , the Public Records Officer may provide notice to those individuals or organizations or such others whose rights may be affected by disclosure. The District may also review any contracts with third parties that may contain special notice provisions. The notice to the affected persons shall include a copy of the records request, the date the District intends to release the records, and how the individual or organization can prevent release of the records. The District will release the records by the specified date if no one objects or the contacted party does not respond by the specified date. This procedure shall not create any rights to third parties to such notice. The District may take the time needed to provide third-party notice into account when providing an estimate for when the records will be available to a requestor.

#### 8. Public Records Index.

- a. In Resolution No. 23-01, the District found that it would be unduly burdensome and would interfere with District operations to maintain an index of records. The District will make available for public disclosure all indices which may at a future time be developed for District use.

#### 9. Closing the Records Requests.

- a. Inspection. When the inspection of the requested records is complete and all requested copies have been provided, the Public Records Officer will obtain a signature of the requestor on the Request for Public Records, indicating that the request has been satisfied.
- b. In-Person Receipt. When all requested copies of the records and/or installments have been provided, the Public Records Officer will obtain a signature of the requestor on the Request for Public Records, indicating that the request has been satisfied.
- c. Mail / Email. When all the requested copies of the records and/or installments have been mailed or emailed to the requestor, the Public Records Officer will include a letter to the requestor stating that the request has been fulfilled, and the Public Records Officer will indicate on the Request for Public Records the date the request was satisfied.
- d. Abandoned Request. If a requestor has been deemed to have abandoned the public records request under this policy or the Act, the Public Records Officer may close the request and send written confirmation of such closing in writing to the requestor. The Public Records Officer will document closure of the request and the conditions that led to closure on the applicable Public Records Request Form.

#### 10. Review of Records Request Denials.

- a. Any person who objects to the initial denial or partial denial of a records request may petition in writing (which may be in email form) to the Public Records Officer for a review of that decision. The petition must include a copy of, or reasonably identify, the written statement by the Public Records Officer denying the request.
- b. The Public Records Officer shall immediately provide the petition and any other relevant information to the District's Superintendent/Chief Executive Officer (CEO). The Superintendent/CEO will consider the petition and either affirm or reverse the denial within two business days following the Public Records Officer's receipt of the petition, or within such other time as the District and the requestor mutually agree.

#### 11. Disclaimer of Liability.

- a. Neither the District nor any of its officers, employees, officials, or custodians 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 privacy or the rights to inspect and copy public records 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 District beyond those imposed by state and federal law.

#### 13. Records Retention Including Personal Devices.

- a. The District retains records consistent with state law on the preservation and destruction of public records, Chapter 40.14 RCW, and the records retention schedules issued by the Washington Secretary of State, Washington State Archives, including the Local Government Common Records Retention Schedule (CORE), the Public Hospital Districts Records Retention Schedule, and other records retention schedules as applicable. Employee supervisors will provide appropriate direction on retention of records applicable to employee job duties and records.

b. Personal Devices.

- i. Records created related to District business—including text messages, voicemail messages, and other electronic communications or records—are District records. These records therefore (1) should be managed according to the applicable retention schedule, and (2) may be subject to disclosure under the Public Records Act. This includes District-business-related messages sent on personal devices such as smart phones, tablets, and similar devices.
- ii. Personal electronic devices should not be used to conduct District business except in cases of emergency.
- iii. With department director authorization, employees may use text messaging on District-provided phones only for routine or transitory messages that do not need to be retained by the District. Examples include informal notices of meetings, directions, scheduling information, and other routine messages that would not be kept in a file if it were a paper communication. Where such transitory text messages are created, they must be deleted as soon as possible.
- iv. Text messages may not be used to send policy, contract, formal correspondence, or personnel related data. Sensitive information should not be sent by text message, including social security numbers, credit card numbers, and passwords.
- v. If a text message needs to be retained pursuant to a retention schedule, employees must promptly transfer the messages to the District's network and/or devices.

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