

Office of City Auditor – Proposed Public Policy

Public Disclosure Policies and Guidelines for the Office of City Auditor

0.0 Background

In May of 2009, the Seattle City Council passed ordinance 122969, requiring all departments to develop and adopt rules by November 1, 2009 indicating how they will implement specific requirements of the Washington State Public Records Act, RCW Chapter 42.56 (the Act).

1.0 Purpose

The purpose of this rule is to provide policies and guidelines for the Office of City Auditor (Office) for the promotion of consistent procedures and prompt responses to requests for public records, and to provide guidance to those who submit public disclosure requests to the Office of City Auditor.

2.0 Definitions

- 2.1 Public Record** means any writing containing information relating to the conduct of the Seattle Office of City Auditor or the performance of any Seattle Office of City Auditor or proprietary function prepared, owned, used or retained by the Seattle Office of City Auditor regardless of physical form or characteristics.
- 2.2 Exempt Information** means any information that is precluded from disclosure under the Public Records Act, or any other law.
- 2.3 Redact** means to 'black out' or obscure a portion of a document.
- 2.4 Administrative Appeal** means an internal office process to review denials of public disclosure requests.

3.0 Applicability. This rule applies to the Office of City Auditor and all public records in its custody.

4.0 Policies

4.1 Basic public disclosure training has been and will continue to be provided city-wide to create a culture of compliance within the city of Seattle. The Department of Executive Administration will work with the Law Department to continue conducting regular trainings. The Office of City Auditor's Public Disclosure Officer and Assistant Public Disclosure Officer shall attend these training sessions as needed.

4.2 Central coordination. Although individual City departments are not required to coordinate with each other on responses to public disclosure requests, one of the challenges and goals for a municipality as large as Seattle is to connect requestors with the appropriate department as soon as possible. At a minimum, the Office of City Auditor will implement the following to aid requestors:

- 4.2.1 Public Disclosure Officer.** There will be a function in the Office of City Auditor that will respond to public disclosure requests for the Office. To the extent feasible, the Seattle Office of City Auditor Public Disclosure Officer will work together with the DEA Public Disclosure Coordinator and

with other departmental public disclosure officers to direct requestors and facilitate responses to requests that involve multiple departments.

- 4.2.2 Public Disclosure Web Portal.** The Department of Executive Administration will be responsible for developing and maintaining a central public disclosure website to include:
- (a) Areas for the public to access frequently requested records;
 - (b) Links to department websites containing public records related to current issues;
 - (c) A list of city-wide public disclosure officers and their contact information;
 - (d) A form for submitting public disclosure requests;
 - (e) Links to city records retention schedules and/or the City Clerk's Records Management Program;
 - (f) The appeals process and responsible appeals officers; and
 - (g) A list of common exemptions to disclosure.
- 4.2.3 Public Disclosure Log.** The Department of Executive Administration will be responsible for maintaining a citywide public disclosure log of all public disclosure requests submitted to the City of Seattle that will include:
- a) Tracking of staff time and expenditures related to responses to records requests;
 - b) Request date; response date(s); closing date; requestor name; responsible agency(s); referrals to other departments; general subject of request; general information on redactions; and information on appeals and determinations.
- 4.2.4 Website Link.** The name of the Office of City Auditor's Public Disclosure Officer(s) shall be available on the Office of City Auditor's website.

5.0 Public Records Requests

5.1 Public Disclosure Officers

- 5.1.1** The Seattle Office of City Auditor shall have a designated Public Disclosure Officer and an Assistant Public Disclosure Officer. The Assistant Public Disclosure Officer will carry out all of the functions of the Public Disclosure Officer's duties when the Public Disclosure Officer is not available due to vacation, sick leave, or otherwise.
- 5.1.2** The person serving as the Seattle Office of City Auditor Public Disclosure Officer may change from time to time. The name and contact information for the individual currently serving as The Seattle Office of City Auditor Public Disclosure Officer shall be communicated to the DEA Public Disclosure Coordinator and clearly identified on the Seattle Office of City Auditor's website.

5.1.3 The Seattle Office of City Auditor Public Disclosure Officer will be available for assistance to the public and may delegate any of their responsibilities to Office staff, but remains ultimately responsible for overseeing compliance with the Public Records Act and this Policy for the department. The Seattle Office of City Auditor Public Disclosure Officer shall:

- (a) Be responsible for implementing Office processes regarding disclosure of public records;
- (b) Serve as the principal contact point with any requestor who has made a records request, unless they have delegated the responsibilities for a particular records request to another staff member; and
- (c) Coordinate Office staff in responding to requests, generally ensuring staff compliance with public records disclosure requirements.

5.2 All records requests must be directed to the Seattle Office of City Auditor Public Disclosure Officer. After the initial request, all subsequent communications from a requestor should also be directed to the Public Disclosure Officer, unless a staff person has been delegated the responsibilities for a particular request.

5.3 To the extent feasible, if the Seattle Office of City Auditor possesses non-exempt records that are requested frequently the Office website shall make those records available online.

5.4 Making a Request

5.4.1 The Seattle Office of City Auditor may ask that a request for public records be submitted in writing, including email, but shall not require written public disclosure requests. Requests delivered orally or by telephone shall be documented, and if possible, verified through written communication.

5.4.2 If the Seattle Office of City Auditor receives a misdirected request the Public Disclosure Officer shall forward that request directly to the appropriate City department public disclosure officer or the DEA Public Disclosure Coordinator.

5.4.3 A form for submitting requests will be available on the website developed by the Department of Executive Administration (see 4.2.2) to include:

- (a) Date and time of the request;
- (b) Name of requestor (preferable, but anonymous requests are acceptable);
- (c) Contact information for requestor;
- (d) Date range for records requested;
- (e) A detailed description of the requested records; and
- (f) Notice that inspection of records is free.

5.5 Responding to a Request.

5.5.1 Written responses. The Act requires that agencies provide a written response to all public disclosure requests within five full business days of receipt, exclusive of weekends and holidays. In other words, if a request is received on a Monday before 5PM, typically a response must be sent no later than the following Monday before 5PM. Initial responses will do one or more of the following:

- a) Make the records available for review;
- b) Provide a reasonable estimate of time (see 5.5.2) as to when records will be available;
- c) Deny the request in whole or in part and cite the specific exemption(s) that applies;
- d) Ask for clarification;
- e) Let the requestor know that there are no responsive records; and/or
- f) Forward any requests that may involve multiple departments to the DEA Public Disclosure Coordinator; and/or
- g) Forward any misdirected requests to the appropriate departmental Public Disclosure Officer or the DEA Public Disclosure Coordinator. Misdirected requests should be forwarded as quickly as possible upon determining the appropriate department.

5.5.2 A reasonable estimate of time. Estimates of time required to respond to a request can take into account factors such as the department's resources, staff vacations, overall workload, and the volume and nature of the records involved. The estimated time to fulfill a request may also include the time required to give third party notice.

5.5.3 Unclear requests. In acknowledging receipt of a records request that is unclear, The Seattle Office of City Auditor shall work with the requestor to clarify what records the requestor is seeking.

5.5.4 Large requests – responding in installments. When a request is for a large volume of records, the Seattle Office of City Auditor may elect to provide records on an installment basis. In such case, the Public Disclosure Officer should provide a reasonable estimate in the initial written response concerning when the first installment will be available, and if possible, a schedule for future installments. If a requester does not contact the Public Disclosure Officer within 30 days to arrange for the review of the first installment, the Seattle Office of City Auditor may deem the request abandoned.

6.0 Review of public records. Records that have been assembled in response to a request will be available by appointment during normal Office business hours (normally 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m.). Appointments shall be scheduled so that they don't interfere with essential functions of the Office. The Seattle Office of City Auditor must take reasonable precautions to protect records from damage and disorganization, including assigning individuals to be present during review of public record originals. There is no fee for inspection of public records.

7.0 Copies of public records.

- 7.1 Deposits.** Before copying a record for an installment, or for the total request, The Seattle Office of City Auditor may require up to a ten percent deposit to cover the total cost of copying.
- 7.2 Costs for standard copies.** The Seattle Office of City Auditor may charge .15 cents per page (not per side) for standard 8 ½ by 11 inch black & white paper copies of public records.
- 7.3 Non-standard copies.** The Seattle Office of City Auditor may charge its actual cost, including the use of a third party vendor, for providing copies of non-standard records, such as color copies and over-sized maps. When considering use of a third party vendor, The Seattle Office of City Auditor shall notify and request approval from the requestor regarding the costs.
- 7.4 Electronic records.** If possible, electronic records should be provided in their existing format, if requested in that format. When electronic files are burned onto a CD, the requestor may be charged \$1.00 per CD. When standard 8 ½ x 11 records are scanned from paper to .PDF, the requestor may be charged .10 cents per page.

8.0 Electronic databases/systems. Many of the city's databases and software systems may be large, use proprietary or legacy software, and contain data that is legally exempt from disclosure. However, databases contain public records subject to the Public Records Act, and as such the city should work closely with requestors to identify and present the options for obtaining requested data.

8.1 Standard queries and reports from databases shall be gathered, provided and charged similar to a standard request. Requests for customized data compilations that fall outside standard queries, reports, or formats that involve specialized knowledge in computer skills and substantial time to create new records may sometimes be obtained at extra cost.

8.1.1 Mail. If requested, The Seattle Office of City Auditor must mail records to requestors; however, the requestor may be required to cover the cost of the postage and shipping materials.

8.1.2 Installments. If The Seattle Office of City Auditor makes a request available on a partial or installment basis, the Office may charge for any copies requested as each portion is provided

8.1.3 Small requests. Any requests for standard copies of less than fifteen pages of public records may be provided at no charge.

9.0 Redactions and Exemptions. The Seattle Office of City Auditor's response refusing, in whole or in part, inspection of any public record shall include an identification of the record and a citation to the specific exemption authorizing the withholding of the record (or portion of a record).

9.1 Redactions. Redactions shall be identified along with the specific exemption that applies.

9.2 Documents exempt from disclosure. If The Seattle Office of City Auditor determines that a record is exempt from disclosure in its entirety, the Office shall inform the requestor in writing, including the following:

- (a) A citation of the specific exemption;

- (b) The type of record being withheld;
- (c) If necessary, a short explanation of how the exemption applies to the record;
- (d) The date the record was created; and
- (e) The author, recipient, and subject matter, or if otherwise protected, other means of sufficiently identifying particular records without disclosing protected contents.

10.0 Appealing denial of a request.

10.1 Administrative Appeals Officer. The Seattle Office of City Auditor shall have a designated administrative appeals officer who shall be responsible for reviewing appeals. The public disclosure web portal shall include the contact information for the administrative appeal officer along with the appeals process.

10.2 Response to appeal. Upon receipt of an administrative appeal, The Seattle Office of City Auditor shall send a written response to the requestor within two business days. The written response shall do one of the following:

- (a) Uphold the Office's denial of the request;
- (b) Modify the Office's response to the request;
- (c) Inform the requestor that review of the administrative appeal will require additional time and provide an anticipated date when the review will be complete.

Signed by _____, _____
Title

Signed this _____ day of _____ 2009.