



How WSTIP Responds to Requests for Public Records

The Washington State Transit Insurance Pool (the Pool) is subject to the Public Records Act (PRA), RCW 42.56, as provided in RCW 48.62.101. Under the PRA, the Pool is required to make identifiable, non-exempt public records available for inspection and copying upon request and to publish procedures to inform the public how access to public records will be accomplished. Pursuant to these requirements, the following procedure for responding to public records requests are established.

The purpose of these procedures is to provide the public access to information concerning the conduct of WSTIP's activities, protect public records from damage or disorganization, and to establish a process for obtaining public records, subject to any legal exemptions. In carrying out its responsibilities under the PRA, the Pool will be guided by the provisions of the PRA and the Washington Administrative Code, Chapter 44-14, Public Records Act-Model Rules.

Section 1. Definitions.

- a. Public record. A writing, regardless of physical form, containing information relating to the conduct of government or the performance of any governmental or proprietary function that is prepared, owned, used or retained by WSTIP.
- b. Writing. Broadly defined, a writing means handwriting, typewriting, printing, photostating, photographing, and any other means of recording any form of communication, including, but not limited to, letters, words, pictures, sounds or symbols or their combinations; 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 data compilations from which information may be obtained or translated. An email is a "writing".
- c. Identifiable record. An identifiable record is one in existence at the time the records request is made, and that the staff can reasonably locate.
- d. Exempt record. All Pool records are available for review by the public unless they are specifically exempted or prohibited from disclosure by law, either directly in RCW 42.56 or other statutes.

Section 2. WSTIP Description and Contact Information.

The Pool was formed by an interlocal agreement in 1989 to provide self-insurance and risk management for its members. A 25-member Board of Directors meets quarterly. An eight-member Executive Committee governs the Pool, except for matters specifically retained by the Board, and meets monthly. The Board appoints an Executive Director to manage day-to-day operations.

WSTIP's Administrative Office is located at 2629 12th Court SW, Olympia, WA. The Administrative Office is open from 8am to 5pm, Monday through Friday, except legal holidays.

Section 3. Public Records Officer.

Any person wishing to request access to public records or seeking assistance in making a request should contact the Public Records Officer. The Administrative Services Manager has been designated by the Executive Director as the Public Records Officer. While not required, the Pool suggests the request be in writing, so it can more accurately respond to the request. A form for a request is included with these procedures.

The Public Records Officer will oversee compliance with the Public Records Act but may designate other staff members to process requests for public records. The Public Records Officer or designee will aid members of the public requesting records.

When using these procedures, references to the Public Records Officer should be interpreted to also include their designees.

- a. Requests to inspect or copy any records maintained by the Pool should be made to the Public Records Officer in person, or via email as follows:

WSTIP Administrative Offices located at
2629 12th Court SW, Olympia WA 98502

E-mail: records@wstip.org
Phone: 360-786-5003

- b. To better serve the requestor, the Pool suggests contacting the Public Records Officer in the event they believe receipt of their request has not been acknowledged.
- c. Internet access to records. Many records are also available on the Pool's website at: www.wstip.org. Requestors are encouraged to view the documents available on the website prior to submitting a public records request.

Section 4. Availability of public records.

- a. Hours for inspection of records. Public records are available for inspection and copying during the Pool's normal business hours: Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. WSTIP staff and the requestor may make mutually agreeable arrangements for times of inspection and copying.
- b. Place of inspection. Records will be made available for inspection at our Administrative Office. A requestor shall not take original records from the Pool's office without the written permission of the Public Records Officer.
- c. Electronic Records. To the extent practical, the Pool will store, maintain, and make its records available electronically. For those seeking responsive records in electronic format, the Pool may provide access to public records by providing links to the website containing an electronic copy of the record, provide records on disk, or transmit the responsive record via e-mail. The Public Records Officer will work with the requestor

to determine the most appropriate method for providing electronic copies of responsive records.

- d. Records Index. Due to the burdensome nature of maintaining a complete index of records, the Public Records Officer will index and maintain the following general administrative records at the Administrative Office to make them available for public inspection and copying:

- Policies adopted by the Board and Executive Committee
- Interlocal agreements and WSTIP bylaws
- Minutes of the regular meetings of the Board and Executive Committee
- Any related amendments, revisions and repeals
- Public contracts, deeds, easements and leases
- Financial and Accountability Audits
- Local Government Self-Insurance Program Examination Reports

The Public Records Officer will coordinate responses to public records requests with appropriate staff and General Counsel as needed. Responsive records shall be made available for public inspection and copying at the Pool's Administrative Offices, or electronically by arrangement, in accordance with the PRA.

- e. Retention of records. The Pool is not required to retain all its public records. The Secretary of State's Local Records Committee approves a general retention schedule for local agency records that is common to most agencies. Individual agencies may seek approval from the Local Records Committee for retention schedules specific to their agency. The retention schedules for local agencies are available at www.secstate.wa.gov/archives/gc.aspx.

Section 5. Making a request for public records.

- a. Reasonable notice that the request is for public records. A requestor must provide the Pool with reasonable notice that the request being made is for public records. If a request is contained in a larger document unrelated to a public records request, the requestor should point out the public records request by labeling the front page of the document as containing a public records request or otherwise calling the request to the attention of the Public Records Officer to facilitate timely response to the request.

- b. Form. Any person wishing to inspect or copy identifiable public records of WSTIP should make the request in writing in one of the following ways:

- On the provided request form (available at the WSTIP Administrative Office and online at www.wstip.org), or
- By letter or email addressed to the Public Records Officer

The following information should be included in the request:

- Name and address of the requestor;
- Telephone number and email address (if available);

- Identification of the requested records adequate for the Public Records Officer to locate the records; and
 - The date and time of day of the request.
- c. Prioritization of records. The Public Records Officer may ask a requestor to prioritize the records they are requesting so that the most important records may be provided first. A requestor need not prioritize a request.
- d. Copies. If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and arrange to make a deposit or pay for the copies, as further discussed in Section 10 below. If the record is in a paper format, the Pool is not required to provide the record electronically.
- e. Oral Requests. The Public Records Officer may accept requests for public records that contain the above information by telephone or in person. If an oral request is made, the Public Records Officer will confirm receipt of the information and the substance of the request in writing by filling out the recommended request form.
- f. Requests made directly to staff. Requests for public records that are made directly to the staff, other than those that are satisfied immediately over the counter, shall be delivered to the Public Records Officer for coordinated processing.
- g. Purpose of request. A requestor need not state the purpose of the request. However, to clarify or prioritize a request and provide responsive records, the Public Records Officer may inquire about the nature or scope of the request. If the request is for a list of individuals, the Public Records Officer may ask the requestor if they intend to use the records for a commercial purpose. The Pool is not authorized to provide lists of individuals for commercial purposes.
The Public Records Officer may also seek sufficient information to determine if another statute may prohibit disclosure.
- h. Overbroad requests. The Pool may not deny a request for identifiable public records solely because the request is overbroad. However, the Pool may seek clarification, ask the requestor to prioritize the request so that the most important records are provided first, and/or communicate with the requestor to limit the size and complexity of the request. The Pool may also provide the responsive records in installments over time.

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 requestor has found the records they are seeking, the requestor should advise the Public Records Officer that the requested records have been provided and the remainder of the request may be cancelled.

Section 6. Processing public records requests.

- a. Providing “fullest assistance.” This policy identify how WSTIP will provide full access to public records, protect records from damage or disorganization, 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.

All assistance necessary to help requestors locate responsive records shall be provided by the Public Records Officer, provided that the giving of such assistance does not unreasonably disrupt the daily operations of the Pool and its staff.

- b. Order for processing requests. The Public Records Officer will process requests in the order allowing the most requests to be processed in the most efficient manner.
- c. Acknowledging receipt and fulfilling requests. Within five business days of receipt of the request, the Public Records Officer will do one or more of the following:
1. Make the record available for inspection or copying;
 2. Provide an internet address and link on WSTIP’s website to the specific document requested;
 3. If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
 4. Acknowledge that the request has been received and provide a reasonable estimate of when records will be available;
 5. If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone (followed by written confirmation); or
 6. Deny the request.
- d. Reasonable estimate of time to fully respond. If unable to provide the documents requested within the five-business-day period, the Public Records Officer must provide a reasonable estimate of the time it will take to fully respond to the request. Additional time may be needed to clarify the scope of the request, locate and assemble the records, redact confidential information, prepare a withholding index, notify third parties affected by the request and/or consult with the General Counsel about whether the records are exempt from disclosure.

The Public Records Officer should briefly explain the basis for the time estimated for response. Should an extension of time be necessary to fulfill the request, the Public Records Officer will provide a revised estimate and explain the changed circumstances that make it necessary.

- e. Notification that records are available. If the requestor has sought to inspect the records, the Public Records Officer will notify them that the entire response or an installment is available for inspection and ask the requestor to contact WSTIP to arrange a mutually agreeable time for inspection. If the requestor seeks copies, the Public Records Officer should notify the requestor of the costs to provide the copies

and that payment is required before making the copies.

- f. Untimely response. If WSTIP does not respond in writing within five business days of receipt of the request for disclosure, the requestor is encouraged to contact the Public Records Officer to determine the reason for failure to respond.
- g. Consequences of failure to clarify a request. If the requestor does not respond to WSTIP's request for clarification within 30 days of WSTIP's request, the Public Records Officer may consider the request abandoned, send a letter closing the response to the requestor, and re-file the records.
- h. Consequences of disclosing a record in error. WSTIP, and its officials or employees are not liable for loss or damage based on release of a public record if WSTIP, the official or employee acted in good faith in attempting to comply with the Public Records Act.
- i. Searching for records. WSTIP must conduct an objectively reasonable search for responsive records. The Public Records Officer will determine where responsive records are likely to be located and coordinate with staff, as needed, to assemble the records.

After the records are located, the Public Records Officer should take reasonable steps to narrow down the number of records assembled to those that are responsive. The Public Records Officer is allowed to provide arguably, but not clearly, responsive records to allow the requestor to select the ones they want, particularly if the requestor is unable or unwilling to help narrow the scope of the records being sought.

- j. Preserving requested records. If a requested record is scheduled shortly for destruction under WSTIP's records retention schedule, the record cannot be destroyed until the public disclosure request has been resolved. Once a request has been closed, the Public Records Officer can destroy the record in accordance with the retention schedule.
- k. Records exempt from disclosure. Some records are exempt from disclosure, in whole or in part. If WSTIP 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 explanation of why the record or a portion of 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 and provide the non-exempt portions.
- l. Protecting the rights of others. If the requested records contain information that may affect rights of others and may be exempt from disclosure, prior to providing the records the Public Records Officer may give reasonable notice to those whose rights may be affected by the disclosure. The notice to the affected person(s) will include a copy of the request.

- m. Redactions. 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 indicate to the requestor why portions of the record are being redacted. In each case, the justification for the deletion shall be explained in writing.
- n. Inspection of records. To the extent possible due to other demands, the Public Records Officer shall promptly provide space to inspect public records at the Administrative Office. The requestor must claim or review the assembled records within thirty days of the Public Records Officer's notification that the records are available for inspection or copying.

If the requestor or a representative of the requestor fails to claim or review the records or make other arrangements within the thirty-day period, the Public Records Officer may close the request and re-file the assembled records. Other public records requests can be processed before a subsequent request by the same person for the same or almost identical records, which will be processed as a new request.

Members of the public may not remove documents from the viewing area or disassemble or alter any document. A WSTIP employee may observe the inspection of records by the requestor to ensure they are not destroyed or disorganized.

- o. Providing copies of records: The requestor shall indicate which documents they wish to have copied using a mutually agreed upon non-permanent method of marking the desired records. After inspection is complete, the Public Records Officer will arrange for copying. Making a copy of an electronic record is considered copying and not creation of a new record.
- p. Providing records in installments: When the request is for a large number of records, the Public Records Officer will provide access for inspection and copying in installments if they reasonably determine that it would be practical to provide the records in that way. If the requestor fails to inspect the entire set of records or one or more of the installments within thirty days, the Public Records Officer may stop searching for the remaining records and close the request.
- q. Completion of inspection: When the inspection of the requested records is complete, and all requested copies are provided, the Public Records Officer will indicate that WSTIP has completed a diligent search for the requested records and made any located non-exempt records available for inspection.
- r. Closing withdrawn or abandoned requests: If the requestor withdraws the request, fails to fulfill their obligations to inspect the records, or fails to pay the deposit or final payment for the requested copies, the Public Records Officer will close the request and indicate to the requestor that WSTIP has closed the request. If the requested records are not picked up within thirty days, the request will be considered abandoned and closed. The Public Records Officer will document closure of the request and the

conditions that led to closure.

- s. Later discovered documents. If, after the Public Records Officer has informed the requestor that WSTIP has provided all available records, WSTIP becomes aware of additional responsive documents that existed on the date of the request, the Public Records Officer will promptly inform the requestor of the additional documents and provide them on an expedited basis.
- t. No duty to create records. WSTIP is not obligated to create a new record to satisfy a records request; however, WSTIP may, in its discretion, create such a new record to fulfill the request where it may be easier for WSTIP to create a record responsive to the request than to collect and make available voluminous records that contain small pieces of information responsive to the request.
- u. No duty to supplement responses. WSTIP is not obligated to hold current records requests open to respond to requests for records that may be created in the future. If a public record is created or comes into the possession of WSTIP after a request is received by WSTIP, it is not responsive to the request and will not be provided. A new request must be made to obtain later-created public records.
- v. Requests for Lists of Individuals or Businesses. WSTIP will require at its discretion that the requestor declare with an affidavit that the list is not to be used for a commercial purpose and state the intent of the request.

Section 7. Processing requests for electronic records. Electronic Records. The process for requesting electronic public records is the same as for requesting paper public records.

- a. Providing electronic records. When a requestor requests records in an electronic format, the Public Records Officer will provide the nonexempt records or portions of such records that are reasonably locatable electronically in the format in which the record is maintained by WSTIP or in an Adobe PDF format. WSTIP is not required to convert an electronic record to a different format.

Section 8. Retention of records.

WSTIP will retain its records in accordance with retention schedules approved by the State Local Records Committee. Public records may not be destroyed pursuant to a retention schedule if a public records request or actual or anticipated litigation is pending.

Section 9. Exemptions.

WSTIP is not required to permit public inspection and copying of records for which public disclosure of the record is prohibited, restricted or limited by state or federal statute or regulation.

- a. WSTIP is prohibited by statute from disclosing lists of individuals for commercial purposes.
- b. The Public Records Act provides that several types of documents are exempt from

public inspection and copying. A current list of these prohibitions and exemptions will be provided upon request by the Public Records Officer and are included within the Public Records Act, RCW 42.56.

- c. In addition, documents are exempt from disclosure if any “other statute” exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by WSTIP for inspection and copying. A list of these prohibitions and exemptions, which may not be exhaustive, will be provided upon request by the Public Records Officer and is available on the Municipal Research and Services Center website at www.mrsc.org.
- d. WSTIP’s failure to list an exemption shall not affect the effectiveness of the exemption.

Section 10. Costs of providing copies of public records.

Due to the burdensome nature of calculating actual reproduction costs, and pursuant to RCW 42.56.120, WSTIP will charge for copies as follows:

- a. Fifteen cents per page for photocopies of public records, printed copies of electronic public records when requested by the person requesting records, or for the use of WSTIP equipment to photocopy public records;
- b. Ten cents per page for public records scanned into an electronic format or for the use of WSTIP equipment to scan the records;
- c. Five cents per each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery; and
- d. Ten cents per gigabyte for the transmission of public records in an electronic format or for the use of WSTIP equipment to send the records electronically. WSTIP shall take reasonable steps to provide the records in the most efficient manner available to WSTIP in its normal operations; and
- e. The actual cost of any digital storage media or device provided by WSTIP, the actual cost of any container or envelope used to mail the copies to the requestor, and the actual postage or delivery charge.

Section 11. Denials of requests for 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 by email) 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 the WSTIP General Counsel to

conduct the review. The General Counsel will promptly consider the petition and either affirm or reverse the denial within two business days following WSTIP's receipt of the petition, or within such other time to which WSTIP and the requestor mutually agree.

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