



Garfield County
Hospital District
Caring for Generations

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Public Records Request

PURPOSE

The Public Records Act (the Act), chapter 42.56 RCW, requires public agencies 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 provide the public full and timely access to information concerning the conduct of Garfield County Public Hospital District No. 1 (the District), mindful of individuals' privacy rights and the desirability of efficient administration of the District. The Act and these policies 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. Failure to comply with any provision of these policies shall not result in any liability imposed upon the District other than that required in The Act.

Definitions / Explanations

- I. **Main Campus.** Garfield County Public Hospital District No. 1, 66 North Sixth Street, Pomeroy, WA 99347.
- II. **Public Records Officer.** For the purposes of this policy the Public Records Officer shall include, "Public Records Officer or designee".
- III. **Public Record.** Any writing containing information relating to the conduct of the District or the performance of any governmental or proprietary function prepared, owned, used, or retained by the District, regardless of physical form or characteristics.
- IV. **Writing.** 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.
- V. **Email.** Classification of emails as public records is dependent on the content or context of the message and whether the message meets the definition of a public record. For example, email messages are public records when they are created or received in the transaction of public business and retained as evidence of official actions. A record of the existence of an email can be a public record regardless of the content of the email.
- VI. **Identifiable Record.** 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.

- VII. **Electronic Records.** The requirements for preservation of electronic records are outlined in WAC 434-662. An "electronic record" includes those public records which are stored on machine readable file format. If a record is created in an electronic format, the electronic record is the primary record and is subject to the Act. Electronic records must be retained in electronic format and remain usable, searchable, retrievable and authentic for the length of the designated retention period. Printing and retaining a hard copy is generally not a substitute for the electronic version.
- VIII. **Exemption.** A state or federal law, either directly in the Act or in other statutes, that allows or requires the withholding of a record or a portion thereof from public disclosure.
- IX. **Redaction.** The method of protecting from public viewing a portion of a record that is legally exempt from public disclosure.
- X. **Health care information.** All records requests for healthcare information shall be governed by the Health Care Information Act, chapter 70.02 RCW, the Health Insurance Portability and Accountability Act ("HIPAA"), Public Law No. 104-191, 110 Stat. 1936 (1996), and all applicable state and federal laws and regulations.
- XI. **Quality improvement information.** All records requests for quality improvement information shall be governed under chapter 4.24 RCW, chapter 70.41 RCW, and all other applicable state and federal laws and regulations.

PROCEDURES

I. Providing "Fullest Assistance."

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 requesters, and provide the timeliest possible action on public records requests.

II. Making a Public Records Request.

- A. The District directs that all requests for access to District records be made in writing. Requests for records or to inspect or copy any records maintained by the District shall be made to the Public Records Officer through:

Email:	Public Records Request Form (online or print form) www.PomeroyMD.com
Mail:	Garfield County Public Hospital District No. 1 Attn: Public Records Officer 66 North Sixth Street Pomeroy, WA 99347
In Person:	Business hours between 8:00a – 4:00p
Phone:	509-843-1591

- 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.
 - 1. 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.

2. For requests made orally, whether in person or by telephone, the District employee or official shall first encourage the requestor to complete a Public Records Request Form. If the requestor declines, he or she 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 reduce the request to writing using the District's online Public Records Request Form or, if necessary, the hard copy form (which must then be immediately delivered to the Public Records Officer).
- 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 requester, the Public Records Officer shall confirm with the requester in writing that the request has been correctly memorialized.

III. **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:
 1. Fulfill the request by providing the requested records or making them available for inspection or copying.
 2. Acknowledge receipt of the request and provide in writing a reasonable estimate of when records will be available.
 3. If the request is "over-broad", unclear, or does not sufficiently identify the requested records, a phone call will be made and/or letter sent, requesting further clarification.
 4. 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.

IV. **Specific Issues Regarding Public Records Requests.**

- A. **Over-broad Requests.** The District may not deny a request for identifiable public records solely because the request is over-broad. 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 a request.
- B. **Unclear Requests.** 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 requestor. If the requestor 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 requestor closing the request, and re-file any records that may have been gathered in response to the request.
- C. **Nature/Scope of Request.** A requestor 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

requestor 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 requestor has been provided the records or access to the records they are seeking, the requestor should advise the Public Records Officer when additional installments are no longer necessary. If the requestor 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 requestor.
- 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. 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.

V. **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 time-frame for the provision of the requested records, and shall communicate the reasonable time-frame to the Public Records Officer within two business days.
- B. District employees will maintain a log of where the searches for responsive records were conducted, e.g. computer drives, emails, file cabinets, etc., the employees involved in the search, the time taken to conduct the search, the name of the record(s) located, etc. Upon completion of the search, the responsive records and the log will be forwarded to the Public Records Officer.
- 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 requestor to select the ones they want, particularly if the requestor 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.

VI. **Availability / Inspection / Provision of Requested Records.**

- A. **District Website.** When practicable, certain of the District's records will be made available on the District's website at www.PomeroyMD.com, e.g., agendas, minutes, 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 that have been requested, the requestor must agree in writing or sign off on the Public Records Request that the new record satisfied the request.

- C. Copies of Records. The Public Records Officer will notify the requestor when the entire response or an installment is available. The Public Records Officer will notify the requestor 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. The Public Records Officer will notify the requestor when the entire response or an installment is available for inspection. The District and the requestor may make mutually agreeable and prompt arrangements for times of inspection and copying. However, the District shall have final say regarding hours for inspection.
 - 1. 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).
 - 2. The District will provide space to inspect public records.
 - 3. The District must "protect public records from damage or disorganization" (RCW 42.56.100); therefore:
 - a. The requestor will not be allowed to take originals from the District's allocated space of inspection.
 - b. The District will appoint an employee to observe the inspection of the records to ensure the original records are not altered or destroyed.
 - c. 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.
 - d. 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.
 - e. 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 Requester is obligated to pay for copied records prior to being provided with said records.
 - 4. If the District is unable to provide access to the requested records within the stated estimated time-frame, the Public Records Officer will inform the requestor in writing of the additional time it will take to produce the records.
 - 5. 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.
- E. **Electronic Records.**
 - 1. **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.

2. **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.
3. **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.
4. **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.
5. **Customized Access.** If a requestor requests to view records in their native format, the District may provide customized access to allow such viewing. The District may charge the requestor for customized access, consistent with RCW 43.41A.130. The Public Records Officer will notify the requestor of all associated charges prior to generating a customized report or allowing for customized access to non-exempt records.
6. **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.
7. **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 insure the requestor cannot access exempt information, the District may provide this customized access, provided that the Public Hospital 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.
8. **Meta-data.** If a requester seeks meta-data 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 meta-data 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.
- G. **Later Discovered Records.** If, after the Public Records Officer has informed the requestor that the District has provided all available records, the District 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.

VII. **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. **Standard Black and White Photocopies.** The charge for standard, 8½ x 11, black and white photocopies is \$0.15 per page.
- C. **Certified Copies.** Where the request is for a certified copy, the standard postal charge may be applied to cover the additional expense required for certification.
- D. **Mailing Charges.** The District charges the actual cost of mailing public records, including postage and the cost of the shipping envelope/container.
- E. **Use of Other Copying Services.** The District may determine to use a commercial copying center 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 costs will be passed along to the requestor for the amount charged by the vendor.
- F. **Deposits or Payments by Installments.** Prior to the records being copied, the Public Records Officer may require a deposit of up to 10% 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.
- G. **Electronic Records.**
 - 1. **Costs for records in electronic format.** When native files are saved onto a CD, the requestor shall be charged \$1.00 per CD. When records are scanned from paper to PDF, or converted from their native format to PDF without printing, the requestor shall be charged \$0.10 per page, plus \$1.00 per CD.
 - 2. **Costs for customizing access.** Customizing access requires specialized knowledge and skills in computer programming. As part of the copying costs, the District may charge for the costs of customizing access, at an hourly rate paid to Public Hospital District Information Technology staff. The District may collect a deposit of up to 10% of the projected cost before creating customized access.
- H. **Method of Payment.** Payment by cash, check, money order or credit/debit cards may be made at the registration office or by mail.
- I. **Waiver of Copying Costs.** The District has the discretion to waive copying charges for small requests, or for individuals or government agencies doing business with the District if the District determines that this action is in the best interest of the District.

VIII. **Exemptions, Redactions, and Third-Party Notice.**

- A. **Exemptions and Redactions.** Some records are exempt from disclosure, in whole or in part. If the District believes that a record is exempt from disclosure, 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. In each case, the justification for the redaction will be explained in writing.
- B. **Notice to Third Parties.** If a public record contains personal information that identifies an individual or organization other than the subject of the requested public record, the District may notify that individual or organization and allow a reasonable time for the third party to seek injunctive relief pursuant to RCW 42.56.540. 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. The District may also review any contracts with third parties that may contain special notice provisions. The District will state clearly to the third party the date on which it intends to release the requested non-exempt records if the third party does not respond.
- C. **Right to Seek Enjoinment.** Pursuant to the Act, the District reserves the right to seek to enjoin the examination of any specific record if the District determines that the examination is clearly not in the public interest and will substantially and irreparably damage any person or will substantially and irreparably damage vital governmental functions.

IX. Public Records Index.

The District has 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.

X. Closing of 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.

XI. 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 (email allowed) 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 Chief Executive Officer. The Chief Executive Officer 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.

Related Policies & Forms:

Attachments

No Attachments

Approval Signatures

Step Description	Approver	Date
CEO Jayd Approval	Jayd Keener: DNS	10/2019
Department Manager Approval	Jayd Keener: DNS	10/2019