

**KING COUNTY HOUSING AUTHORITY  
PUBLIC RECORDS DISCLOSURE POLICY**

**1. PURPOSE:**

- 1.1 Public Records Act:** The Public Records Act, chapter 42.56 RCW, requires the King County Housing Authority (“KCHA”) to make identifiable, non-exempt public records available for inspection and copying upon request, and to publish rules of procedures to inform the public how access to public records will be accomplished. The purpose of the Public Records Act is to provide the public with full access to information concerning the conduct of government, mindful of individuals’ privacy rights and the desirability of efficient administration of government. The Public Records Act provides a statutory framework by which to administer access to public records.
- 1.2 KCHA Policy and Procedure:** The purpose of establishing the following policy and procedure is to provide a method by which KCHA staff will review and respond to requests for public records within the Public Records Act framework. The information contained in this Policy is designed to aid both those requesting public records and those responding to records requests. The Policy should assist in guiding expectations of Requestors and providing notice of a mechanism by which to appeal a records decision, if necessary.

**2. REFERENCE:**

- Chapter 42.56 RCW, Public Records Act
- Chapter 44-14 WAC, Public Records Act – Model Rules

- 3. POLICY:** KCHA shall provide for inspection and copying of requested public records as provided in this Policy, unless such records are exempt from disclosure under chapter 42.56 RCW or other laws under which disclosure is regulated. KCHA staff shall provide the fullest assistance to Requestors in obtaining the public records they seek.

**4. RESPONSIBILITY/AUTHORITY:**

- 4.1 Public Records Officer:** The Deputy Executive Director is the designated Public Records Officer (PRO). KCHA’s PRO will oversee compliance with the Public Records Act and these procedures. KCHA’s PRO may delegate the responsibilities of processing requests to other staff. Departments may also designate records coordinators within specific departments to facilitate access to public records within that department, so long as each coordinator is identified to the PRO.
- 4.2 KCHA Staff:** KCHA staff will provide assistance to Requestors, reasonably ensure that public records are protected from damage or disorganization, and prevent fulfilling

public records requests from causing excessive interference with essential functions of KCHA. Assigned KCHA staff will be responsible and held accountable to meet KCHA's responsibilities of this Policy. Failure to do so may result in disciplinary actions.

**4.3 Requestors:** While Requestors are not required to specifically name the Public Records Act, they must give fair notice that the request is being made pursuant to the Public Records Act. Requestors must request "identifiable records" or classes of records before KCHA is obligated to respond to a request. An "identifiable record" is one that KCHA can reasonably locate. However, a Requestor is not required to specifically state the exact record sought. For example, if a request uses inexact phrases such as "relating to" a topic (for example, "all records relating to the Greenbridge project"), KCHA may interpret the request to be for records which directly and fairly address the topic. If KCHA receives a "relating to" or similar request, KCHA should seek clarification from the Requestor if warranted to determine what records directly and fairly address the topic. If no clarification is received by the date requested by KCHA, and the request is entirely unclear, the request shall be closed. Otherwise, KCHA will respond to those portions of the request that are clear. If a request for public records is made verbally, KCHA will confirm the request in writing in its initial response. A request for all or substantially all records prepared, owned, used, or retained by KCHA is not a valid request for identifiable records under the Public Records Act.

## 5. DEFINITIONS:

**Active Record:** An active record is used in an office on a routine basis and accessed at least several times per year. Active records are usually kept on-site.

**Archival (Appraisal Required) Record:** Public records with archival designation are records that may possess enduring legal and/or historic value and must be appraised by Washington State Archives on an individual basis. Records not selected for retention by Washington State Archives may be disposed of after appraisal subject to the appropriate Retention Schedule(s).

**Archival (Permanent Retention) Record:** Public records with archival (permanent retention) designation are records that possess enduring legal and/or historic value and must not be destroyed. These records need to either be transferred to Washington State Archives or retained and preserved according to archival best practices until such time as they are transferred to Washington State Archives.

**Essential Record:** Essential records are those KCHA must have in order to maintain or resume business continuity following a disaster. While the retention requirements for essential records may range from very short-term to archival, these records are necessary to resume core functions following a disaster. Security backup of these public records should be created and may be deposited with Washington State Archives.

**Inactive Record:** An inactive record is used or accessed in an office infrequently or no longer used in the conduct of current business, but is still required to be kept by the retention schedule for legal or historical purposes. Inactive records are usually stored offsite.

**Public Record:** RCW 42.56.010 defines a public record as “...any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics...” Excluded from the definition of a “public record” are those records retained or held by volunteers who (a) do not serve in administrative capacity, (b) have not been appointed by KCHA to a KCHA Board, commission or internship, and (c) do not have a supervisory role or delegated KCHA authority. Records created and/or received by KCHA employees using privately owned devices only qualify as a public record if the employee was acting within the scope of employment when the record was created or received, or when the record is subsequently used for a KCHA purpose.

**Records Disposition:** Actions taken with records when they are no longer required to be retained by the agency. Possible disposition actions include transfer to archives and destruction.

**Retention Schedule:** A table setting out requirements adopted by the Washington State Local Records Committee which specifies the length of time each record series will be retained by the agency, whether the record is designated essential, archival, or potentially archival, and final disposition of the record.

**Writing:** RCW 42.56.010 defines a writing as any “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.”

## 6. GUIDELINES:

### 6.1 Public Records Officer

King County Housing Authority  
600 Andover Park W  
Seattle, WA 98188  
Fax: 206-574-1104  
Email: [PublicDisclosureRequest@kcha.org](mailto:PublicDisclosureRequest@kcha.org)

### 6.2 Availability of Public Records:

- a. **Index.** KCHA determined by Resolution #5300, signed by the KCHA Board Commissioner Chairperson on October 14, 2010, that maintaining an index of the agency's records is unduly burdensome, costly, and would interfere with agency operations due to the number and complexity of records generated as a result of the wide range of KCHA activities and office locations.
- b. **KCHA Website.** Some records are available on KCHA's website at [www.kcha.org](http://www.kcha.org). Requestors are encouraged to view the documents available on the website prior to submitting a records request.
- c. **Protocol for Inspection/Copying.** Public records are generally available for inspection and copying during normal business hours of Monday through Friday, 8 a.m. to 4:30 p.m., excluding legal holidays. Records must be inspected at the Central Administrative office. Requestors are prohibited from removing records from KCHA offices.
- d. **Maintenance/Order of Records.** KCHA will maintain its records in a reasonably organized manner. KCHA will take reasonable actions to protect records from damage and disorganization.

### 6.3 Making a Request For Public Records:

- a. Any person wishing to inspect or copy public records of KCHA should make the request in writing on KCHA's Public Disclosure Request form. A copy of the Public Records Request form may be obtained from the PRO or downloaded from KCHA's website. Requestors should follow the form's instructions on submission of their public records request.

Persons wishing to inspect or copy public records may also make the request in writing in person, by regular mail, e-mail, or fax to the designated Public Records Officer as set forth in Section 6.1. Although there is no mandatory format required to make a public records request, the PRO may ask Requestors to use the KCHA Public Disclosure Request form when receiving a verbal request for public records (either in person or by telephone).

All requests for public records should be addressed to the PRO, and should include the following information:

1. Name of Requestor;
2. Date of request;
3. Phone, e-mail, and/or address or other contact information of Requestor;
4. Identification of the public records adequate for the PRO or designee to locate the records (title and date, if known);
5. Location (department) of the requested records, if known;
6. Whether the Requestor intends to inspect the records or obtain a photocopy of the records, at the cost set forth in Section 6.17 of these guidelines; and
7. Method by which KCHA should contact Requestor.

If the Requestor indicates a desire to remain anonymous, KCHA should still process the request for public records, unless the specific nature of the request requires that a name be provided. In such instances, KCHA shall ensure that it has adequate contact information for the Requestor (e.g., mailing or email address) to respond to the request.

- b. If the request is made verbally (in person or by telephone) or the Requestor is in need of assistance, responding KCHA staff will confirm receipt of the information and the substance of the request in writing by using the list in Section 6.3.a (1-7) and forward that information to the PRO.
- c. If the record(s) requested is not easily identified, may be kept by multiple departments, or the Requestor is unsure of where to file the request, the Requestor should direct the request to the PRO.
- d. Affected staff will be advised by the PRO or designee to retain possession of records covered by any pending public records requests, including any records that may be scheduled for destruction. KCHA staff may not destroy or otherwise delete covered records until the request is fulfilled.
- e. A Requestor is not typically required to state the purpose of the request. However, in an effort to clarify or prioritize a request and provide responsive records, the PRO or designee may inquire about the nature or scope of the request. If the request is for a list of individuals, the PRO may ask whether the Requestor intends to use the records for a commercial purpose. KCHA is prohibited by statute from disclosing lists of individuals for commercial purposes. Any person requesting public records that includes a list of individuals will be required to provide a declaration under penalty of perjury, certifying sufficient facts from which the PRO can reasonably determine that the records will not be used for any commercial purpose (profit-expecting activity) prohibited by RCW 42.56.070(8) unless specifically authorized by other law.

#### **6.4 Processing Public Records Requests:**

- a. The PRO or designee will process requests in the order allowing the most requests to be processed in the most efficient manner. Requests may be fulfilled in the order of receipt as long as easily fulfilled requests are not postponed behind larger or more complicated requests strictly because they were received later. KCHA will make reasonable attempts to complete requests no later than 30 business days from the date of the request. KCHA reserves the right to determine processing times based upon the volume and complexity of each individual request.
- b. When receiving a request that appears to be broad in nature, the PRO or designee may request clarification from the requestor to ensure that the appropriate records are identified and to determine if the request can be narrowed. Clarification shall focus on information needed to identify responsive records. Any information

provided about the purpose of the request shall not be used as a basis for denying the request.

- c. Within five business days of receipt of the request (day one is the first working day after the request is received), the PRO or designee will do one or more of the following:
  - 1. Make the records available for inspection or copying; or
  - 2. Provide an internet address or link on the agency's website where the record can be accessed. Requestors who cannot access the internet will be provided hard copies or access to a KCHA terminal to access the record; or
  - 3. If copies are requested and payment of a deposit for the copies, if any, is received, or terms of payment are agreed upon, send the copies to the Requestor; or
  - 4. Acknowledge the request and provide a reasonable estimate of when records will be available; or
  - 5. If the request is unclear or does not sufficiently identify the requested records, request clarification from the Requestor. Such clarification will be requested and provided in writing. The PRO or designee must still estimate but may revise the time period when records will be available taking into account the request for clarification; or
  - 6. Deny the request. Denials of requests must be accompanied by a written statement of the specific reasons for the denial.
- d. KCHA may deny a "bot" request (a request that KCHA reasonably believes was automatically generated by a computer program or script), when it is one of multiple requests received within a 24 hour period and when responding would cause excessive interference with other KCHA essential functions.
- e. If KCHA does not respond in writing within five business days of receipt of the request for disclosure, the Requestor may contact the PRO to determine the reason for the failure to respond.
- f. If a public record contains personal information that identifies an individual and/or organization that is the subject of the requested public records, KCHA may notify that individual or organization to allow the third party to seek relief pursuant to RCW 42.56.540. KCHA may take this into account when providing an estimate for when the records may be available.
- g. Some records are exempt from disclosure, in whole or in part. If KCHA believes that a record is exempt from disclosure and should be withheld, the PRO or designee will state the specific exemption and provide a brief explanation of why the record is being withheld and the time within which any remaining records subject to exemption or redaction review will be produced. If only a portion of the record is exempt from disclosure, but the remainder is not exempt, the PRO or designee will redact the exempt portions and provide a brief explanation of why portions of the record are being redacted. All exempt and redacted records should be recorded on an exemption log.

## **6.5 Inspection of Records:**

- a. KCHA will provide a space for persons to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The Requestor shall indicate which documents he or she wishes the agency to copy.
- b. Parties wishing to inspect electronic records may be provided copies of the records on a CD/DVD, USB or other storage device, may be directed to an internet address where the records can be accessed, or may receive records by email. If a Requestor cannot access records in these ways, KCHA will provide hard copies or allow a Requestor to view copies on an agency computer.
- c. The Requestor must make arrangements to claim or review the assembled records within fifteen (15) days of notification that the records are available for inspection or copying.
- d. If the Requestor fails to claim or review the records within the fifteen-day period or make other arrangements, KCHA will close the request and re-file the assembled records. In the event the Requestor submits a new request for the same or almost identical records, the process will begin anew.

**6.6 Providing copies of records:** After inspection is complete, the PRO or designee shall make the requested copies or arrange for duplication. The Requestor shall pay any applicable deposit prior to copies being made. Full payment must be received prior to delivery of the requested duplicates.

**6.7 Providing records in installments:**

- a. When the request is for a large number of records or when a portion of responsive records is more readily available than others, the PRO or designee may provide access for inspection and copying in installments if he or she reasonably determines that it would be practical to provide the records in that way.
- b. If, within fifteen days, the Requestor fails to inspect an available installment, the PRO or designee will discontinue his/her search for the remaining records and close the request.

**6.8 Completion of response following inspection of records:** When the search for requested records is complete and all requested records are provided for inspection, the PRO or designee will advise the Requestor that KCHA has completed a reasonable search for the requested records and made any located, nonexempt records available for inspection and has closed the request.

**6.9 Closing withdrawn or abandoned requests:** When the Requestor either withdraws the request or fails to fulfill his or her obligation to timely inspect the records or fails to pay the required amount due for requested copies, the PRO or designee will close the request and indicate to the Requestor that KCHA has closed the request.

**6.10 Later discovered documents:** If, after KCHA has informed the Requestor that it has provided responsive records, KCHA becomes aware of additional responsive documents that existed at the time of the request, it will promptly inform the Requestor of the additional documents and provide any non-exempt records to the Requestor. However, a public records request is not continuing in nature and KCHA has no obligation to supplement a request with records that are created or obtained after the date of the request. If a Requestor desires additional records created or obtained by KCHA after the date of the original request, the Requestor must submit a new request.

**6.11 Completion of request:** KCHA's response to a request shall be deemed completed upon the Requestor's inspection of the records or upon notification that copies of all the requested records are available for payment and delivery or pick up, or that no responsive records exist.

**6.12 No duty to create new records:** KCHA is not obligated to create new records to satisfy a records request; however, KCHA may, at its discretion, create such new records to fulfill the request where KCHA deems that method of response more expedient. Translating a record into an alternative electronic format at the request of the Requestor or scanning a paper record is not creating a new record.

**6.13 Processing of public records requests—electronic records:**

- a. The process for requesting electronic records is the same as for requesting public records in hard copy.
- b. When a Requestor seeks records in an electronic format, the PRO or designee will provide the nonexempt records, or portions of such records that are reasonably locatable, in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record.
- c. Electronic mail (e-mail) is an informational transfer system which uses computers for sending and receiving messages. Email messages are public records when they are prepared, owned, used, or retained by KCHA and relate to the conduct of government or performance of any governmental or proprietary function.

**6.14 Processing of public records requests—photographs:**

- a. Photographs, whether in digital or in print form, are subject to disclosure in response to public records requests. However, a photograph may be exempt from disclosure to the extent it reveals personally identifiable information about a person. Information that is "personally identifiable" includes the person's face or body (including distinguishing birthmarks, tattoos, scars, etc.), unique clothing to that person (e.g., their name on a sports or work uniform) and any personal belongings



or documents from which the identity of a specific person or persons, or private information that could be determined by the viewer of the photo.

- b. If a photograph(s) falls within the scope of a public records request and contains information that could be determined to contain possibly exempt information, it should be sent to the PRO or designee for review and a determination of whether it should be provided to the party or parties requesting such photographs.
- c. If it is determined that the photograph is to be provided due to the request, and the photo is of the inside of a tenant's unit, then the tenant should be notified of the request as a courtesy to that tenant.

#### **6.15 Exemptions from Disclosure:**

- a. The Public Records Act and other statutes exempt or prohibit disclosure of certain public records. It is the policy of KCHA to provide prompt and helpful access to all public records in KCHA's custody or control that are not exempt or prohibited from disclosure. Some public records may contain specific content that is exempt from disclosure. The presence of exempt information does not necessarily exempt an entire record from disclosure. Exempt portions of an otherwise disclosable record shall be redacted prior to inspection or copying and such redactions shall be documented. Requested records may only be withheld or redacted consistent with statutory requirements, which shall be documented for the Requestor in accordance with the requirements of RCW 42.56.210.
- b. The following are summaries of common exemptions relied upon by KCHA, including those that are not contained in the Public Records Act. Note, KCHA reserves the right to assert any exemptions permitted by law when KCHA determines non-disclosure serves the public interest and is not limited to the exemptions listed below:
  - 1. Records that are protected by trade secrets law (ch. 19.108 RCW)
  - 2. Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by KCHA within five years of the request for disclosure when disclosure would produce private gain and public loss (RCW 42.56.270(1))
  - 3. Personal information in files maintained for Board Commissioners, KCHA employees and its tenants to the extent that disclosure would violate their right to privacy, including but not limited to addresses, phone numbers, email addresses, religious affiliation, Social Security and driver license numbers, voluntary deductions, marriage status, information about dependents and any garnishment deductions (RCW 42.56.230(1)(3), 235 and 250 (3))
  - 4. Preliminary drafts, recommendations and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific records shall not be exempt when publicly cited by KCHA in connection with KCHA action (RCW 42.56.280)
  - 5. All applications for public employment, including names of applicants, resumes and other related materials submitted with respect to an applicant (RCW 42.56.250(2))

6. Records in investigative files, including police investigations, to the extent that nondisclosure is essential for effective law enforcement or for the protection of any person's right to privacy (RCW 42.56.240(1))
  7. Records created in anticipation of litigation (RCW 42.56.290)
  8. Records reflecting communications between attorneys and KCHA employee where legal advice is sought or received (RCW 5.60.060(2))
- c. KCHA is prohibited by statute from disclosing lists of individuals for commercial purposes.

#### **6.16 Special Processing Procedures:**

- a. If a request for records is made by another government agency, then the request does not need to go through the PRO, unless the request includes confidential information about KCHA employees, tenants or vendors, or other records that would be exempt from disclosure under the Public Records Act or other statutes. However, if KCHA and another government agency have an information sharing agreement in place regarding the sharing of confidential information, then that agency does not need to go through the PRO to obtain confidential information covered by the Agreement.
- b. If a request for records is made directly by a current KCHA tenant/participant residing in KCHA housing programs, or a client in the Rehab/Weatherization Programs to review or make copies of their case file, or the request for records is made on behalf of the tenant/participant by a third party and that third party has a signed agreement from the tenant/participant allowing access to the case file, then the request does not need to go through the PRO.
- c. If a request for records is made by an active member of the Resident Advisory Committee (RAC) that is specific to records that have been created or obtained by the RAC in order to conduct RAC business, then the request does not need to go through the PRO, unless the request includes confidential information about KCHA employees, tenants or vendors, or other records that would be exempt under the Public Records Act or other statutes.
- d. Requests for records, documents or other information made by third parties pursuant to subpoena, discovery procedures or other legal process authorized by federal or state law, regulations or court rules shall not be processed in accordance with this Public Records Disclosure Policy. KCHA staff receiving any subpoena, discovery request or other legal process shall immediately notify the Deputy Executive Director and Risk Manager.

#### **6.17 Costs of providing copies of public records:**

- a. Because of the number and differing types of public records requests KCHA receives, and the varied resources required to respond each of those requests, calculating the actual cost of each public records request would be unduly burdensome on KCHA. Accordingly, KCHA adopts the schedule of fees contained in the Public Records Act at RCW 42.56.120.

### KCHA FEE SCHEDULE

Cost	Customized service charge (in addition to fees for copies-see below)
No cost	In person review of the requested documents Downloading of documents placed on KCHA's website
15 cents/page	Photocopies of hard copy documents produced on KCHA equipment. 8.5' x 11" or 8.5" x 14" sized sheet.
30 cents/page	Photocopies of hard copy documents produced on KCHA equipment. 11" x 17" sized sheet.
10 cents/page	Scanned records produced on KCHA equipment
5 cents per 4 electronic files or attachments	Records uploaded to email, or cloud based data storage service or other means of electronic delivery
10 cents/gigabyte	Records transmitted in electronic format or for use of agency equipment to send records electronically
Actual	Digital storage media or devices (e.g., USB, CD/DVD)
Actual	Any container or envelope used to mail copies
Actual	Postage or delivery charges
Actual	If, at the KCHA's discretion, materials need to be copied by an outside source either due to volume, current workload of KCHA staff, or any other reason, the agency may charge the actual cost of this service
\$2 flat fee	As an alternative to the charges above, KCHA may charge a flat fee of \$2 for any request when KCHA reasonably estimates and documents that the costs are equal to or more than \$2. If applied to the initial installment, additional flat fees shall not be charged for subsequent installments.
Actual	In addition to the charges set forth above, KCHA may charge a customized service charge if the agency estimates that the request would require the use of 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. KCHA will not assess a customized service charge unless it has notified the Requestor of the charge to be applied to the request, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimate of the charge.

- b.** KCHA shall provide a summary of the applicable costs to the Requestor before copies or work is started, allowing the Requestor to revise their request to reduce the costs.
- c.** In the event a request is estimated to exceed \$100, KCHA may require the Requestor to deposit an amount not to exceed 10% of the estimated cost prior to the duplication of record(s).
- d.** Payment may be made by check, cashier's check or money order payable to

“KCHA”.

- e. Fees that total less than \$25 per request may be waived when the production expense exceeds the cost of postage.
- f. Copy charges must be waived when producing documents via a subpoena request. KCHA reserves the right to request copy charge reimbursement from the Requestor at the rates listed above, but understands that reimbursement by the Requestor is voluntary.
- g. Copy charges may be waived when the Requestor is a recipient in a KCHA housing program (e.g., public housing, Section 8, weatherization, etc.) and they are requesting copies of their own tenant and/or program file. The copies must be requested by the tenant or their authorized representative.
- h. KCHA will not impose copying charges for access to or downloading of records that it routinely posts on its public internet web site prior to receipt of a request unless the Requestor has specifically requested that KCHA provide copies of such records through other means.

#### **6.18 Review of denials of public records:**

- a. Any person who objects to the initial denial or partial denial of a records request may petition in writing within thirty (30) days of the date of the denial to the PRO for a review of that decision. The petition must include a copy of or shall reasonably identify the written statement by the PRO or designee denying the request.
- b. The PRO or designee will immediately consider the petition and either affirm or reverse the denial within five days following the /PROs receipt of the petition, or within such time as KCHA and the Requestor mutually agree.