

Okanogan County District Court
GR 31.1 Access to Administrative Records
Policy and Procedures

1.0 POLICY

Consistent with the principles of open administration of justice as provided in Article I, section 10, of the Washington State Constitution and General Rule (GR) 31.1, it is the policy of Okanogan County District Court to facilitate access to administrative records. These policies and procedures govern records that have been created on or after the effective date of GR 31.1. Records created prior to that effective date will be handled consistent with the requirements of GR 31.1(o)(2). Access to administrative records, however, is not absolute and shall be consistent with exemptions for personal privacy, restrictions in statutes, restrictions in court rules, and as required for the integrity and independence of judicial decision-making. Access shall not unduly burden the business of the judiciary so as to interfere with judicial functions.

2.0 PURPOSE

This policy establishes local procedure surrounding the responsive obligations to administrative public record requests in accordance with GR 31.1. This policy sets for the process by which Okanogan County District Court handles administrative records requests. Information for members of the public interested in filing a request for administrative records is contained in GR 31.1 and the public policy contained at www.courts.wa.gov.

3.0 ORGANIZATIONS AFFECTED

Okanogan County District Court

4.0 REFERENCES

GR 31.1, Access to Administrative Records
GR 31, Access to Court Records
Chapter 42.56 RCW, Public Records Act

5.0 DEFINITIONS

The definitions provided in GR 31.1(i) apply to these policies and procedures.

6.0 RESPONSIBILITY

6.1 Public Records Officer: The District Court Administrator is the designated Public Records Officer (PRO). The PRO shall report to the Presiding Judge or the Presiding Judge's designate. The PRO will coordinate the overall public records process and oversee District Court's compliance with GR 31.1 and these procedures while preventing excessive interference with the essential functions of District Court when fulfilling requests. The PRO may designate

other court staff to fulfill requests and designate a backup for processing administrative record requests when the PRO is unavailable. Any designees or backups shall report to the PRO.

6.2 Internal Review: The presiding judge shall provide internal review if a record requester properly seeks internal review of a decision of the PRO or designee. In the alternative, the presiding judge may instead designate another judge to provide internal review.

6.3 Informal External Review: The presiding judge shall designate a visiting judicial officer to provide informal external review if a record requester has exhausted remedies and properly seeks such review. In all other situations, the procedure outlined in GR 31.1(4) shall control regarding external review.

7.0 MAKING A REQUEST

7.1 Where To Start:

- (1) Some records may be available without the need of a formal request at the Administrative Office of the Courts website:
http://www.courts.wa.gov/newsinfo/publication/?fa=newsinfo_publication.recordsRequest. Requestors are also encouraged to make records requests through that website if appropriate.
- (2) Some records may also be available at the District Court website without a request being necessary: <http://okanogancounty.org/DC/index.htm>. Requestors are encouraged to view the documents available on that website prior to submitting a records request.

7.2 Next Step If Additional Records Still Needed: A form is available for use by requestors at District Court and online at <http://okanogancounty.org/DC/index.htm>. Information regarding requests is also available at that website. Public records requests *must be* in writing and include all of the following:

- Name of requestor;
- Address of requestor;
- Other contact information, including telephone number and email address;
- Identification with particularity of the administrative records adequate for the PRO or designee to identify and locate the records;
- Whether the requestor wishes to inspect only or whether the requestor wishes to have copies made; and
- The date and time of the day of the request.

7.3 A requestor should contact the Public Records Officer for District Court at:

Public Records Officer
Okanogan County District Court
PO Box 980
149 3rd Ave. N.
Okanogan, WA 98840

Phone: (509) 422-7170
Fax: (509) 422-7174
Email: districtcourt@co.okanogan.wa.us

8.0 PREPAYMENT OF ESTIMATED FEES AND COSTS REQUIRED

8.1 Prepayment: The PRO or designee will provide estimated costs and fees for fulfilling a request. This estimate must be paid in full before any work will be done in fulfilling the request. If the actual costs or fees for fulfilling the request exceed the estimated costs or fees those additional costs or fees will need to be made promptly upon request. If the actual costs or fees is less than the estimate than that difference will be refunded.

8.2 Restrictions: No fee may be assessed to view administrative records. No fee may be assessed for the first hour of research needed. Nevertheless, whether the requestor is just viewing records or requesting copies, a fee shall be assessed for necessary research from the second hour onward. This fee may not exceed \$30 per hour per GR 31.1(h)(4). Similarly, costs shall be assessed to cover the actual costs of providing records to be viewed or copied, such as retrieving records that are held off-site or with a third party, postage or other miscellaneous costs.

8.3 Current Fee Schedule:*

Paper copy	See latest fee schedule**
Certified copies	See latest fee schedule**
CD/DVD	See latest fee schedule**
Postage	Actual cost
Cost of retrieval for off-site records	Actual cost
Miscellaneous costs and fees	Actual cost
Research	\$20/hr. (charged in ½ hr. increments)***

**Fees/costs are subject to change and a requestor is responsible for the most current adopted fee schedule.*

***Latest fee schedule is available by calling District Court or online here: <http://okanogancounty.org/DC/index.htm>*

****First hour is free. A fee shall be charged from the second hour of research onward. GR 31.1(h)(4).*

9.0 AVAILABILITY

9.1 Hours for Inspection of Records: Court administrative records are available for inspection and copying Monday thru Friday, 8:30a.m. to 4:00p.m., excluding holidays, or during exigent circumstances.

9.2 Retention Schedule: District Court adopts the retention schedules for administrative records as set forth in the Secretary of State, Washington State Archives, District and Municipal Courts Records Retention Schedule and Local Government Common Records Retention Schedule (CORE). These schedules are available at the Secretary of State's WA State Archives website at: <http://www.sos.wa.gov/archives/RecordsManagement/Records-Retention-Schedules-for-District-and-Municipal-Courts.aspx>. Administrative records which have been scheduled for destruction or which have been destroyed or deleted in accordance with the retention schedules will not be available for disclosure. District Court does not adopt any portion of these retention schedules that are in conflict with GR 31.1 and this adoption does not expand District Court's obligation regarding disclosures beyond what is required by GR 31.1.

9.3 Organization of Records: District Court will maintain its records in a reasonably organized manner and take reasonable steps to protect records from damage or disorganization. A requestor shall not take administrative records from any office without the permission of the PRO or designee.

10.0 PROCEDURE

10.1 Initial Reception: Public records requests received by Okanogan County District Court will be date-stamped and immediately forwarded to the PRO or designee.

10.2 Screening: Public record requests will be screened by the PRO or designee to determine appropriateness and the responsive burden demanded of the Court.

10.3 Documentation: All communication shall be documented and recorded by written response to the requester.

10.4 Clarification: If the record request is vague, unclear, or ambiguous, the PRO or designee will communicate with the requesting party to clarify the request and determine if an alternative request is most appropriate.

10.5 Initial Response Deadline: The PRO or designee will respond in writing within 5 business days from the date of request. The response will include whether or not the request is appropriate, and a timeframe for response.

10.6 Research Fee: The PRO or designee will track all time associated with researching records. Per *GR 31.1 (h) (4)*, “a fee not to exceed \$30 per hour may be charged for research services required to fulfill a request taking longer than one hour. The fee shall be assessed from the second hour onward.”

10.7 Production Deadline: The PRO or designee will disseminate the requested record within the identified timeframe. If the PRO or designee is unable to meet the timeline or needs additional time to respond, the PRO or designee will comply to the extent possible, and provide a supplemental timeframe for completion of the request.

10.8 Installments: When the request is for a large number of records, the PRO or designee may provide access for inspection or copying in installments, if he or she reasonably determines that it would be more practical to provide the records in this fashion.

10.8 Records Not Provided: If the PRO or designee is unable to completely satisfy the request, the PRO or designee will provide a response in writing that justifies the incomplete response. The justification must contain the applicable exemption and brief explanation of how the exemption applies to the withheld record.

10.9 Later Discovered Records: If, after District Court has informed the requestor that it has provided all available records, District Court becomes aware of additional responsive records existing at the time of the request, the requestor shall be promptly notified of the additional

records and those records shall be timely provided. The requestor shall be responsible for any additional appropriate deposit or fees.

10.10 Closing Request: When the inspection of the requested records is complete and all requested copies have been properly provided, the PRO or designee shall indicate that District Court has completed and closed the request.

10.11 Withdrawn or Abandoned Requests: When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested records, the PRO or designate shall close the request and indicate to the requestor the reason the request has been closed. If within 30 days the Requestor fails to inspect the entire set of provided records or one or more of the installments provided, the PRO or designee may stop searching for any remaining records and close the request.

11.0 OTHERS AFFECTED BY RECORDS REQUEST

11.1 Notice Permitted Prior to Disclosure: Unless otherwise required or prohibited by law, if the PRO or designate determines it is reasonable to notify a person named in a record or to whom the record specifically pertains, the PRO or designate may give written notification, including a copy of the request, that access to the record has been requested, prior to providing the records. If such notice is given, it allows the affected person to contact the requestor and ask the requestor to revise the request, or if that fails it allows the affected person to formally seek prevention or limitation of the disclosure.

11.2 Opposition to Disclosure: A person named in a record, or to whom the record specifically pertains, may present information opposing the disclosure to the applicable decision maker. This must be in writing.

11.3 Review: A person named in the record, or to whom the record specifically pertains, may seek review of a decision allowing access to a requested record. Such a person has the same options for review as a records requestor and must follow the same procedure.

11.4 Deadlines: The same deadlines applicable to a requestor apply as well to a person who is a subject of a record.

12.0 EXCEPTIONS, EXEMPTIONS AND LIMITATIONS TO REQUESTS

12.1 Exceptions: Chambers records as defined in GR 31.1 are exceptions to GR 31.1 and not subject to disclosure and should not be searched in response to records requests.

12.2 Exemptions: Some records are exempt from disclosure, in whole or in part. GR 31.1 and other court rules, statutes and laws prohibit disclosure of certain records. Additionally, District Court is prohibited by General Rule and statute from disclosing lists of individuals for commercial purposes. If District Court believes that a record is exempt from disclosure and should be withheld, the PRO or designee shall state the specific exemption. If only a portion of a record is exempt from disclosure, the PRO or designee will redact the exempt portions, provide

the non-exempt portions, and indicate to the requester why portions of the record are being redacted. Any inadvertently provided exempt records shall not enlarge or affect District Court's obligations regarding future record requests.

12.3 Extraordinary Requests: Extraordinary record requests limited by resource constraints that complicate response in a timely manner shall be communicated to the requester. The PRO or designee shall attempt to reach an agreement with the requester by suggesting a narrower scope of request and timeframe for the response. This may include a scheduled installment of responses. If no agreement is reached, the PRO or designee will comply to the extent possible and inform the requester in writing that the response is completed.

12.4 Improper Requests: Record requests involving harassment, intimidation, threats to security, or criminal activity may be denied if the PRO or designee determines that the request was made to harass or intimidate the court or its employees; fulfilling the request would likely threaten the security of the court; fulfilling the request would likely threaten the safety or security of judicial officers, staff, family members of judicial officers or staff, or any other person; or fulfilling the request may assist criminal activity.

13.0 OTHER GENERAL GUIDELINES FOR RESPONDING TO REQUESTS

13.1. Tracking Public Records Requests: The PRO or designee shall track public records requests and their related communications with requestors by logging all requests, responses, exemptions, and other communication regarding the requests.

13.2. Distribution of Requests and Preservation of Records: The PRO or designee will determine which employees may have records responsive to the request and email the text of the request, or a summary, to the appropriate staff, setting a time for response and ensure that any records potentially responsive to the request will not be destroyed pending the processing of the request.

13.3. Searching for Responsive Documents: Each employee contacted shall either (1) indicate that he or she has no responsive documents; (2) indicate that he or she has responsive documents and provide them; (3) specify a reasonable time within which he or she can search for the records and provide a more thorough response; or (4) describe how the request should be clarified. If the employee has responsive documents, he or she should provide them to the PRO or designee, and, if documents are exempt (or may be exempt) from public disclosure, provide a summary of why the documents are or may be exempt, with specific reference to the provision of GR 31.1, state or federal law that is the basis for the exemption. In the event it is difficult to produce copies of the responsive documents, either because of their size or format or because they are numerous, the employee should contact the PRO or designee to determine whether there are options to producing copies. If applicable, The PRO or designee shall ensure that records of former staff members also are searched for requested information. The staff shall assemble the individual responses and provide a consolidated response to the PRO or designee.

13.4. Protective Orders: If any employee becomes aware of a court order that limits the disclosure of any administrative records, he or she should communicate the substance of such order, and provide a copy of the order to the PRO or designee. Likewise, if the PRO or designee is aware of any court order requiring the disclosure, nondisclosure, or preservation of any

administrative records the PRO or designee will notify the staff in possession of the requested information.

13.5. Requests Received by Employees: On occasion a requestor may direct a request for identifiable documents to a specific employee, court, or judicial agency. In the event that an employee receives a public records request, the employee shall indicate to the requestor that they are not the designated person to receive public records requests. Employees should direct requestors to submit their request to the designated PRO or designee, provide the contact information for the PRO or designee to the requester, and alert the PRO or designee to expect a records request.

13.6. Electronic Records: The PRO will work with the requestor to determine the appropriate format for providing responsive records. If records are requested with metadata intact, the PRO or designee will work with the appropriate Information Technology Department (IT) to provide records in native format to the extent possible. If the request is for records that can best be provided through customized access to electronic records, the PRO or designee shall work with the necessary staff that have responsive documents to determine the appropriate means of response.

14.0 CONSEQUENCES OF FAILURE TO RESPOND

The PRO or designate should never intentionally fail to respond. If District Court does not respond within 5 business days of receipt of the request for disclosure, the requestor should consider contacting the PRO to determine the reason for the failure to respond.

15.0 REVIEW OF RECORDS DECISIONS

15.1 The PRO or designee's response to a public records request shall include a written summary of the procedures under which a party may seek further review by the presiding judge, or designated judge. This further review will be identified as "internal review." The written summary will also include direction to find the appropriate forms to submit a petition for internal review.

15.2 The internal review process petition must be submitted by the party seeking review within 90 days of the PRO or designee's decision. Failure to meet the deadline waives any right of review.

15.3 The review and decision by the presiding judge or designated judge, shall take place within 5 business days from the date that the agency receives the request for internal review. The internal review is informal and summary.

15.4 If the party seeking review has exhausted the internal review remedies, the party seeking review may pursue further review (identified as "external review") by the following two methods:

- (a) Civil Action: The party seeking review may use a judicial writ of mandamus, prohibition, or certiorari to file a civil action in superior court challenging the records decision, if appropriate.
- (b) Informal External Review: The party seeking review may seek informal review by a visiting judicial officer. The party seeking review shall submit a request in writing to the PRO to arrange for external review by a visiting judicial officer. The review proceeding shall be informal and summary. The decision from this informal external review may be further reviewed in superior court pursuant to a writ of mandamus, prohibition, or certiorari, if appropriate.

15.5 The external review request must be submitted within 30 days of the decision issued from the internal review process. Failure to meet the deadline waives any right of review.

15.6 The external review submission date is identified as the date a civil action is filed or the date the PRO or designee receives the request for informal external review by a visiting judge.

15.7 Requests for internal review or informal external review by a visiting judge shall be promptly forwarded to the presiding judge or designated judge.

16.0 GR 31.1 CONTROLS INTERPRETATION

If any of the provisions of these policies and procedures conflict with the latest GR 31.1 in effect at the time, then GR 31.1 controls. None of the provisions should be construed to expand the requirements of the Court beyond what is required by GR 31.1. If any of the provisions appear to do that then that provision shall be null and void or be limited only to the requirements of GR 31.1.