



KING COUNTY
Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

June 27, 2011

Ordinance 17128

Proposed No. 2011-0277.2

Sponsors Ferguson

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AN ORDINANCE relating to public records; providing guidance to public records officers regarding notice of agencies believed to have records responsive to public disclosure requests; revising the requirements for county agency reports about agency responses to public disclosure requests; and amending Ordinance 16679, Section 22, and K.C.C. 2.12.250 and Ordinance 16679, Section 27, and K.C.C. 2.12.300.

PREAMBLE:

To promote openness in county government, public records officers responding to public disclosure requests should inform the requestor about other agencies believed to have additional responsive records.

To facilitate the county council's oversight of county agency responses to public disclosure requests, without unduly burdening the county's public records officers, the information to be included in the annual reports submitted by each agency to the county council is to be revised and supplemented as set forth in this ordinance.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

20 SECTION 1. Ordinance 16679, Section 22, and K.C.C. 2.12.250 are each hereby
21 amended as follows:

22 A. Each agency shall provide full access to public records that are not exempt
23 from disclosure under applicable law, protect records from damage or disorganization,
24 prevent excessive interference with other essential functions of the agency, provide
25 fullest assistance to requestors and provide the most-timely possible action on public
26 records requests.

27 B. The public records officer or designee shall process requests in the order
28 allowing the most requests to be processed in the most efficient manner; in order to
29 process requests as efficiently as possible, smaller requests may be processed before
30 substantially larger requests that were received earlier.

31 C.1. Within five business days of receipt of the request, the public records officer
32 shall do one or more of the following:

- 33 a. make the records available to the requestor for inspection or copying;
- 34 b. if copies are requested and payment of a deposit for the copies, if any, is
35 made or terms of payment are agreed upon, send the copies to the requestor;
- 36 c. provide to the requestor a reasonable estimate of when records will be
37 available;
- 38 d. if the request is unclear or does not sufficiently identify the requested
39 records, request clarification from the requestor. The clarification may be requested and
40 provided by telephone, in which case the public records officer shall make a written
41 record of the clarification. The public records officer or designee may revise the estimate

42 of when records will be available. If the requestor fails to clarify the request, the agency
43 need not respond to it; or

44 e. deny the request and notify the requestor of the denial. Denials of requests
45 shall be accompanied by a written statement of the specific reasons therefor.

46 2. Additional time required to respond to a request may be based upon the need
47 to clarify the intent of the request, to locate and assemble the information requested, to
48 notify third persons or agencies affected by the request or to determine whether any of
49 the information requested is exempt and that a denial should be made as to all or part of
50 the request.

51 D. In the event that the requested records contain information that affects other
52 agencies or third persons, the public records officer may, before providing the records,
53 give notice to those persons in accordance with RCW 42.56.540. The notice shall
54 include a copy of the request.

55 E. Some records are exempt from disclosure, in whole or in part. If the agency
56 believes that a record or any part of a record is exempt from disclosure and should be
57 withheld, the public records officer shall provide to the requestor a writing identifying the
58 record or portion withheld, the specific exemption relied upon and the authority for the
59 exemption, and briefly explaining how the exemption applies to the record or portion
60 withheld, including enough information for a requestor to make a threshold determination
61 of whether the claimed exemption is proper. If only a portion of a record is exempt from
62 disclosure, but the remainder is not exempt, the public records officer shall redact the
63 exempt portions and provide the nonexempt portions.

64 F.1. The agency shall promptly provide space to inspect public records except
65 when and to the extent that it would cause excessive interference with other essential
66 functions of the agency or unreasonably disrupt agency operations. No member of the
67 public may remove a document from the viewing area or disassemble or alter any
68 document. The requestor shall indicate which documents the requestor wishes the
69 agency to copy.

70 2. The requestor must claim or review the assembled records within thirty days
71 of the agency's notification to the requestor that the records are available for inspection or
72 copying. The agency shall notify the requestor in writing of this requirement and inform
73 the requestor that the requestor should contact the agency to make arrangements to claim
74 or review the records. If the requestor or a representative of the requestor fails to claim
75 or review the records within the time prescribed in this subsection F.2. or make other
76 arrangements, the agency may close the request. Other public records requests may be
77 processed ahead of a subsequent request by the same person for the same or almost
78 identical records, which may be processed as a new request.

79 G. After inspection is complete, the public records officer or designee shall make
80 the requested copies or arrange for copying.

81 H. When the request is for a large number of records, the public records officer or
82 designee shall provide access for inspection and copying in installments, if the public
83 records officer or designee reasonably determines that it would be practical to provide the
84 records in that way. If, within thirty days after notification that the records are available
85 for inspection or copying under subsection C., D. or E. of this section, the requestor fails
86 to inspect the entire set of records or one or more of the installments, as applicable, the

87 public records officer or designee may stop searching for the remaining records and close
88 the request. The requestor shall be notified in writing of this action.

89 I. When the requestor either withdraws the request or fails to fulfill his or her
90 obligations to inspect the records or pay the deposit or final payment for the requested
91 copies, the public records officer shall close the request and indicate to the requestor that
92 the agency has closed the request.

93 J. If, after the agency has informed the requestor that the agency has provided all
94 available records, the agency becomes aware of additional responsive documents existing
95 at the time of the request, the agency shall promptly inform the requestor of the additional
96 documents and provide the documents on an expedited basis.

97 K. If a public records officer or designee responding to a public records request
98 believes that one or more other agencies are likely to have records that are responsive to
99 the request, he or she should, in writing, so inform the requestor and provide the
100 requestor with the name and contact information of the public records officer of each
101 such agency, including the officer's title, office phone number, office address, and email
102 address. The public records officer is not required to review records or otherwise
103 investigate for the purpose of determining whether other agencies are likely to have
104 additional records that are responsive to the request. This subsection is intended to
105 enhance the public's access to public records, not to impose any legal obligation on
106 agencies beyond those imposed by chapter 42.56 RCW.

107 SECTION 2. Ordinance 16679, Section 27, and K.C.C. 2.12.300 are each hereby
108 amended to read as follows:

109 A.1.a. No later than April 1 of each year, the public records officer of each
110 county agency shall submit to the county council a report on the agency's performance in
111 responding to public records requests during the preceding calendar year. The report
112 shall include, at a minimum, a listing of all requests that either were closed during the
113 preceding calendar or remained open at the end of the preceding calendar year, including,
114 for each such request:

115 ((a-)) (1) the name of the requestor;

116 ((b-)) (2) a summary of the request;

117 ((e-)) (3) the date the request was received; ((and))

118 ((d-)) (4) whether the five-day response requirement in K.C.C. section

119 2.12.250.C.1 was met;

120 (5) the date the request was closed, if it has been closed; and

121 (6) for each closed request for which more than six months elapsed from the
122 date the request was received until the date the request was closed, and for each open
123 request that had been open for more than six months at the end of the preceding calendar
124 year, an explanation of why the request was not closed more promptly.

125 2. For the purpose of this section, a request is closed if the agency has provided
126 all responsive records, has indicated that there are no responsive records or that all of the
127 responsive records are exempt from disclosure or has provided records and indicated that
128 no additional records will be produced because the remaining records are exempt from
129 disclosure, or if the request is closed pursuant to K.C.C. 2.12.250.F., H., or I.

130 2. A paper original and an electronic copy of the report shall be filed with the
131 clerk of the council, who shall email the electronic copy to all councilmembers. In the

132 electronic copy of the report, the listing of public records requests shall be in the form of
133 an electronic spreadsheet.

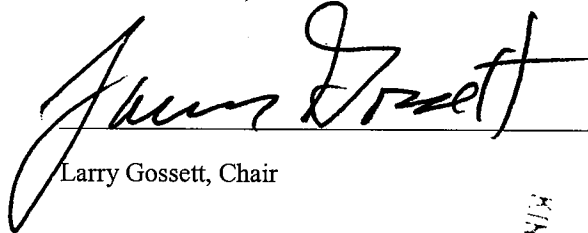
134 B. On January 15 and July 15 of each year, the county prosecuting attorney shall
135 submit to the county council a report listing all pending lawsuits alleging that the county
136 has violated chapter 42.56 RCW, including the name of the case, the court in which it
137 was filed, the date on which it was filed, the case number, a brief summary of the claims
138 made against the county and the current case status. A paper original and an electronic
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140 copy of the report shall be filed with the clerk of the council, who shall email the
141 electronic copy to all councilmembers.
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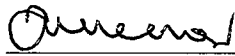
Ordinance 17128 was introduced on 6/13/2011 and passed by the Metropolitan King County Council on 6/27/2011, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr.
McDermott
No: 0
Excused: 0

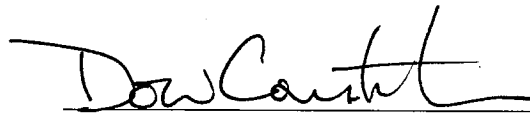
KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Gossett, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 7 day of July, 2011.


Dow Constantine, County Executive

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KING COUNTY COUNCIL CLERK

Attachments: None