

EVERETT HOUSING AUTHORITY PUBLIC RECORDS POLICY

AUTHORITY AND PURPOSE

This policy establishes the procedures which the Housing Authority of the City of Everett (EHA) will follow in order to provide full access to public records. This policy provides information to persons wishing to request access to public records of the EHA and establishes processes for both requestors and EHA staff.

In carrying out its responsibilities under the Washington Public Records Act (RCW 42.56), the EHA will be guided by the provisions of the act describing its purposes and interpretation.

AGENCY DESCRIPTION

The Everett Housing Authority is a public housing authority providing low-rent public housing, Section 8 Housing Choice Vouchers, and other affordable housing and related programs in Snohomish County, Washington.

The EHA's central office is located at 3107 Colby Avenue, Everett, WA 98201. The EHA has support offices at 3020 Broadway, 3017 Lombard, 2715 15th Street, 2605 15th Street, 716 Linden Street, 2701 12th Street, 1401 Poplar Street, and 220 ½ 98th Place SE, all in the City of Everett.

PUBLIC RECORDS OFFICER

The Executive Director of the EHA shall designate a Public Records Officer. Until otherwise designated by the Executive Director, the Public Records Officer is Christopher Neblett.

Requests for public records of the EHA, or those seeking assistance in making such a request should contact:

Christopher Neblett, Public Records Officer

Everett Housing Authority

Mailing Address:

PO Box 1547

Everett, WA 98206-1547

Street Address:

3107 Colby Avenue

Everett, WA

Telephone: 425-303-1186

Fax: 425-303-1122

E-mail: publicrecordsofficer@evha.org

Information is also available at the EHA's web site at www.evha.org.

The Public Records Officer will oversee compliance with the Public Records Act but another EHA staff member may process the request.

The Public Records Officer will provide the “fullest assistance” to requestors, ensure that public records are protected from damage or disorganization, and prevent fulfilling public records requests from causing excessive interference with essential functions of the EHA.

AVAILABILITY OF PUBLIC RECORDS

Public records are available for inspection and copying during normal business hours of the EHA, Monday through Friday, 8:30 a.m. to 5:00 p.m., excluding legal holidays. Records must be inspected at the 3107 Colby Avenue office of the EHA. There is no charge or fee for reviewing or inspecting public records or for the time and expense, if any, in locating and assembling such records.

Inspection will be denied and the records withdrawn by the Public Records Officer if the requestor, when reviewing records, acts in a manner which will mark, damage or substantially disorganize the records or interfere with other essential functions of the Everett Housing Authority.

MAKING A REQUEST FOR PUBLIC RECORDS

Any person requesting public records of the EHA is encouraged (but not required) to make the request in writing on the EHA’s request form. The form is available for use by requestors at the EHA’s central office and on-line at EHA’s web site: www.evha.org. Requests should be made to the Public Records Officer and should include the following information:

- a. Name and address of the requestor
- b. Date of the request
- c. A detailed description of the public record being requested
- d. Whether the requestor wants copies, or wants to inspect the requested records
- e. If copies are requested, address where copies should be mailed
- f. A statement regarding whether the records requested are for commercial purposes
- g. Signature of the requestor

Should a request be made orally (in person or by telephone), the Public Records Officer will confirm receipt of the information and the substance of the request in writing.

PROCESSING OF PUBLIC RECORDS REQUESTS

Response to Records Request

Within five business days of receipt of the request, the Public Records Officer will do one or more of the following:

- a. Make the records available for inspection or copying;
- b. Send copies to requestor if payment has been received or waived;
- c. Provide a reasonable estimate of when records will be available; or
- d. If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor; or
- e. Deny the request.

If the EHA 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 the failure to respond.

Records Exempt From Disclosure

Some records may be exempt from disclosure, in whole or in part. (See Appendix A) If the EHA believes that a record is exempt from disclosure and should be withheld, the Public Records Officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the Public Records Officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

Providing Electronic Records.

When records are requested in an electronic format, the Public Records Officer will provide the nonexempt records, or portions of such records that are reasonably locatable, in an electronic format that is used by the EHA and is generally commercially available, or in a format that is reasonably translatable from the format in which the EHA keeps the record. An hourly fee may be charged for transferring and translating the format of electronic documents.

Customized access to data bases

With the consent of the requestor, the EHA may provide customized access under RCW 43.105.280 if the record is not reasonably locatable or not reasonably translatable into the format requested. The EHA may charge a fee consistent with RCW 43.105.280 for such customized access.

Inspection of Records

The requestor must claim or review the assembled records within thirty (30) days of the EHA's notification to him or her that the records are available for inspection or copying. Notice by first-class mail to the address on the request form shall constitute "notification". The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the EHA may close the request and re-file the assembled records.

Providing Records in Installments

When the request is for a large number of records, the Public Records Officer or designee will 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. If, within fifteen (15) days, the requestor fails to arrange for the inspection of the entire set of records or one or more of the installments, the Public Records Officer or designee may stop searching for the remaining records and close the request.

Completion of Inspection

When the inspection of the requested records is complete and all requested copies are provided, the Public Records Officer or designee will indicate that the EHA has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

Closing Withdrawn or Abandoned Request

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 copies, the Public Records Officer will close the request and indicate to the requestor that the EHA has closed the request.

Later Discovered Documents

If, after the EHA has informed the requestor that it has provided all available records, the EHA becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

EXEMPTIONS

The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. *In addition*, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of exemptions, outside the Public Records Act, that restrict the availability of some documents held by the EHA for inspection and copying. Those exemptions are described in Appendix A.

The EHA is prohibited by statute from disclosing lists of individuals for commercial purposes.

COSTS OF PROVIDING COPIES OF PUBLIC RECORDS

There is no fee for inspecting public records, nor for the time and expense, if any, in locating and assembling such records. For records requests requiring copies of documents, the requestor will pay the appropriate reproduction and mailing costs. The Public Records Officer may elect to waive these fees.

Reproduction Costs

Black & White Copies (per side) (Letter or Legal Size)	\$0.10 per page
Color Copies (per side) (Letter or Legal Size)	\$0.15 per page
Other Sizes	Actual Cost
Scanning & PDFs (to supply electronic copies)	\$0.10 per page
Other Electronic Documents	\$24.00 per hour
CD-ROM or DVD	\$1.00 per disc, not inclusive of scanning, PDF, or electronic document transfer fees.
Mailing	Actual cost of postage and mailing materials

Other Media

Actual cost of production

Payment

Payment may be made by check or money order to the Everett Housing Authority. Cash or credit card is not accepted.

REVIEW OF DENIALS OF PUBLIC RECORDS

Petition for Internal Administrative Review of Denial of Access

Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the Public Records Officer for a review of that decision. The petition should include a copy of or reasonably identify the written statement by the Public Records Officer or designee denying the request.

Consideration of Petition for Review

The Public Records Officer shall promptly provide the petition and any other relevant information to the Executive Director of the EHA or the Executive Director's designee. That person will immediately consider the petition and either affirm or reverse the denial within two business days following the EHA's receipt of the petition, or within such other time as EHA and the requestor mutually agree to.

DISCLAIMER OF LIABILITY

All act of officers or employees pursuant to the public disclosure law shall constitute a duty to the public only and are not intended to create or fulfill a duty to any person or group of persons. Neither the Everett Housing Authority nor any officer, employee, official, or custodian shall be liable, nor shall cause of action exist, for any loss or damage based upon release of Public Records if the person releasing the records acted in good faith in attempting to comply with this policy.

This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Despite the use of any mandatory terms such as "shall," nothing in this policy is intended to impose mandatory duties on the Everett Housing Authority beyond those imposed by state and federal law.

APPENDIX A
**Exemption and Prohibition Statutes
Pertaining to the Public Records Disclosure**
(Not Listed in Chapter 42.56 RCW)

Washington State Statutes

RCW 4.24.550
RCW 5.60.070
RCW 19.215.020
RCW 19.34.240(3)
RCW 19.215.030
RCW 26.44.030
RCW 27.53.070
RCW 42.23.070(4)
RCW 42.41.030(7)
RCW 42.41.045
RCW 42.56.230
RCW 48.62.101
RCW 50.13.060
RCW 51.28.070
RCW 51.36.060
RCW 70.123.075

Citation Records

Information on sex offenders to public
Court-ordered mediation records
Destruction of personal health and financial information
Private digital signature keys
Compliance with federal rules
Reports of child abuse/neglect
Records identifying the location of archaeological sites
Municipal officer disclosure of confidential information prohibited
Identity of local government whistleblower
Non-disclosure of protected information (whistleblower)
Personal Information
Local government insurance transactions – access to information
Access to employment security records by local government agencies
Worker’s compensation records
Physician information on injured workers
Client records of domestic violence programs

Federal Confidentiality Statutes and Rules

42 USC 405(c)(2)(vii)(I)

Limits on Use and Disclosure of Social Security Numbers.