

POLICY BEFORE THE SPOKANE AIRPORT BOARD

IN THE MATTER OF ESTABLISHING A
DISCLOSURE OF PUBLIC RECORDS POLICY

Policy No. 04-10

WHEREAS, SPOKANE AIRPORTS (“AIRPORTS”), through its Board of Directors, is empowered by joint agreement between the City of Spokane and the County of Spokane, joint ordinances of said municipalities and the statutes of the State of Washington to establish policy for Spokane International Airport, Felts Field Airport, and the Airport Business Park (“AIRPORTS”); and

WHEREAS, RCW 42.56.070(1) of the Public Records Act (“Act”) requires each state or local agency to make available for inspection and copying nonexempt “public records” in accordance with published rules. RCW 42.56.070(2) requires each agency to set forth “for informational purposes” every law, in addition to the Public Records Act that exempts or prohibits the disclosure of public records held by that agency.

THEREFORE, the Board establishes the following disclosure of Public Records policy to establish the procedures Airports 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 Airports and establishes processes for both requestors and Airports staff that are designed to best assist members of the public in obtaining such access.

The purpose of the Act is to provide the public full access to information concerning the conduct of government, mindful of individuals’ privacy rights and the desirability of the efficient administration of government. The Act and this policy will be interpreted in favor of disclosure. In carrying out its responsibilities under the Act, the Airports will be guided by the provisions of the Act describing its purposes and interpretation.

I. DEFINITIONS

A. **Public Records**

Includes any writing containing information relating to the conduct of government or the performance of any governmental proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

B. **Writing**

Means 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.

II. POLICY

A. Agency Description – Contact Information – Public Records Officer

1. The Airports is a municipal corporation. The Airports office is located at 9000 W. Airport Dr., Ste 204; Spokane, WA 99224. The Airport has field offices at various sites.
2. Any person wishing to request access to public records of the Airports, or seeking assistance in making such a request should contact the public records officer of the Airports.

Public Records Officer
Airports
9000 W. Airport Dr., Ste 204
Spokane, WA 99224
Phone Number: (509) 455-6434
Facsimile: (509) 624-6633
(info@spokaneairports.net)

Information is also available at the Airports' web site at
www.spokaneairports.net

3. The public records officer will oversee compliance with the Act but another Airports staff member may process the request. Therefore, this policy will refer to the public records officer "or designee." The public records officer or designee and the Airports 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 Airports.

B. Availability of Public Records

1. Hours for inspection of records.
Public records are available for inspection and copying during normal business hours of the Airports, Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding municipal legal holidays. Records must be inspected at the offices of the Airports. The Airports and the requestor can make mutually agreeable arrangements for the times of inspection and copying.
2. Records Index.
The Airports does not maintain a records index. Pursuant to RCW 42.56.070(4), the Board resolves by special order that maintaining a central index of public records would be unduly burdensome in the following ways:

- a. The Airports has records that are diverse, complex and stored in multiple databases. It is unduly burdensome, if not physically impossible, to maintain a central index of records.
- b. The sheer volume of records produced by the various Airports departments would preclude any attempt to maintain a comprehensive and current index of records.
- c. The Airport does not have a central repository for all its public records and would therefore have to have multiple indices and multiple employees charged with constant updating of those indices.

The Airports will make available for public inspection and/or copying all public records and indices of public records maintained by the Airports to the extent not exempt from inspection and/or copying pursuant to RCW 42.56 or other applicable laws.

3. Organization/Protection of Records

- a. The Airports will maintain its records in a reasonably organized manner consistent with available resources. The Airports/public records officer may take any steps deemed necessary to protect and preserve records from damage, alteration or disorganization.
- b. A requestor shall not alter, disorganize, damage, take or remove Airports records from Airports offices or custody without the express written permission of the public records officer or designee. In the event of such unauthorized action, the Airports reserves the right to recover from all persons responsible, all costs of record recovery, including direct costs as well as all claims for consequential loss or damage, in addition to prosecution under the law.

4. A variety of records is available on the Airports' web site at www.spokaneairports.net. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

5. Making a request for public records

- a. Any person wishing to inspect or copy public records of the Airports should make the request in writing on the Airports' request form (Attachment A), or by letter, fax, or e-mail addressed to the public records officer.

- b. The request should include the following information:
 - Name of requestor
 - Address of requestor
 - Other contact information, including telephone number and any e-mail address
 - Identification of the public records adequate for the public records officer or designee to locate the records; and
 - The date and time of day of the request
- c. A question or request for information is not a request for a record.
- d. If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit pursuant to the listed charges in Attachment B. (See 6.4.1 for deposit provisions.)
- e. A form is available for use by requestors at the office of the public records officer and on-line at www.spokaneairports.net.
- f. The public records officer or designee may accept requests for public record requests that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

III. PROCEDURE

A. Processing of Public Records Requests – General

1. Providing “fullest assistance.”

The Airports is charged by statute with adopting rules which provide for how it will “provide full access to public records,” “protect records from damage or disorganization,” “prevent excessive interference with other essential functions of the agency,” provide “fullest assistance” to requestors, and provide the “most timely possible action” on public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manor.
2. Acknowledging receipt of request.

Within five (5) 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 in whole or in part; or
 - b. If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor; or
 - c. Provide a reasonable estimate of when records will be available; if not furnished in whole; or
 - d. If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer may revise the estimate of when the records will be available; or
 - e. Deny the request, in whole or part.
3. Consequences of failure to respond.
If the Airports does not respond in writing within five (5) 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.
4. Protecting the rights of others.
In the event that the requested records contain information that may affect the rights of others, and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.
5. Records exempt from disclosure.
Some records are exempt from disclosure, in whole or in part. If the Airports 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, and indicate to the requestor why portions of the record are being redacted. If the records requested are large and/or if the redactions are voluminous, a “withholding index” which cites the public records and the statute that provides the exemption may accompany the public records. The public records officer may explain to the requestor that the redaction services will take additional time and invite the requestor to focus or narrow the request to save time and help serve the requestor’s needs.

6. Inspection of records.
 - a. Consistent with other demands and resources, the Airports shall provide space 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 Airports to copy. The Airports and the requestor can make mutually agreeable arrangements for the times of inspection.
 - b. The requestor must claim or review the assembled records within thirty (30) days of the Airports' notification to him or her that the records are available for inspection or copying. The Airports will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the Airports 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 (30) day period or make other arrangements, the Airports may close the request and re-file the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.
7. Providing copies of records.

After inspection is complete, the public records officer shall make the requested copies or arrange for copying.
8. 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 thirty (30) days, the requestor fails to inspect the entire set of records or one (1) or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.
9. 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 Airports has completed a diligent search for the requested records and made any located non-exempt records available for inspection.
10. 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 Airports has closed the request.
11. Later discovered documents.

If, after the Airports has informed the requestor that it has provided all available records, the Airports 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.

12. On-going requests.
“On-going” or continuous requests for records are not honored. A request is searched at the time made. A new request is needed for records created after the time of an initial request.

B. Processing of public record requests – electronic records

1. Requesting electronic records.
The process for requesting electronic records is the same as for requesting paper public records.
2. Providing electronic records.
When a requestor requests records 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 Airports and is generally commercially available, or in a format that is reasonably translatable from the format in which the Airports keeps the records. Costs for providing electronic records are governed by WAC 44-14-07003.
3. Customized access to data bases.
With the consent of the requestor, the Airports 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 Airports may charge a fee consistent with RCW 43.105.280 for such customized access.

C. Exemptions

1. 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 the exemptions, outside the Public Records Act, that restrict the availability of some documents held by the Airports of Spokane for inspection and copying. There may be other statutes that restrict or limit the disclosure to the public. These exemptions are listed, reviewed and approved separately.
2. The Airports is prohibited by statute from disclosing lists of individuals for commercial purposes.
3. The Airports is not required to create a record where one does not exist.

D. Costs of Providing Copies of Public Records

1. Costs for paper copies.

The Airports charges fifteen cents (\$0.15) per page for standard black and white photocopies of a record selected by a requestor. The cost for color copies is located in Attachment B which is approved separately.

Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all records selected by the requestor. The public records officer or designee also requires the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The Airports will not charge sales tax when it makes copies of public records.

2. Costs for electronic records.

The cost of electronic records shall be set forth in Attachment B and approved separately. There will be no charge for e-mailing electronic records to a requestor, unless another cost applies such as a scanning fee. A statement of the factors and the manner used to determine the costs of electronic records is from the public records officer.

3. Costs of mailing.

The Airports may also charge actual costs of mailing, including the cost of the shipping container.

4. Payment.

Payment may be made by cash, check, or money order to the Airports of Spokane. Bad checks are treated as non-payment and referred to collection.

E. Review of Denials of Public records.

1. 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 shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

2. Consideration of petition for review.

The public records officer shall promptly provide the petition and any other relevant information to the Airports Director. That person will immediately consider the petition and either affirm or reverse the denial within two (2) business days following the Airports' receipt of the petition, or within such other time as the Airports and the requestor mutually agree to.

3. Judicial review.
A person may obtain court review of denials of a public records request pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

F RESPONSIBILITIES

The Airport Board Clerk shall administer this policy.

G APPENDICES

Attachment A – Public Records Request Form

Attachment B – 2010 Fee Schedule

List of Documents Exempt from Public Inspection and Copying Outside the Public Records Act

ADOPTED by the SPOKANE AIRPORT BOARD this _____ day of _____, 2010.

SPOKANE AIRPORT BOARD

Title:

RECOMMENDED APPROVAL,
TERMS AND CONDITIONS BY:

APPROVED AS TO FORM:

Gratton O. Sealock II
Airport Director

Michael C. Ormsby
Airport Board Counsel

Exemption and Prohibition Statutes Not Listed in Chapter 42.56 RCW

Washington State Statutes

Citation	Records
RCW 2.64.111	Documents regarding discipline/retirement of judges
RCW 2.64.113	Confidentiality – violations
RCW 4.24.550	Information on sex offenders to public
RCW 5.60.060	Privileged communications
RCW 5.60.070	Court-ordered mediation records
RCW 7.68.140	Victims' compensation claims
RCW 7.69A.030(4)	Child victims and witnesses – protection of identity
RCW 7.69A.050	Rights of child victims and witnesses – addresses
RCW 7.75.050	Records of Dispute Resolution Centers
RCW 9.51.050	Disclosing transaction of grand jury
RCW 9.51.060	Reproductive privacy
RCW 9A.82.170	Financial institution records – wrongful disclosure
RCW 10.27.090	Grand jury testimony/evidence
RCW 10.27.160	Grand jury reports – release to public only by judicial order
RCW 10.29.030	Organized crime special inquiry judge
RCW 10.29.090	Records of special inquiry judge proceedings
RCW 10.52.100	Records identifying child victim of sexual assault
RCW 10.77.210	Records of persons committed for criminal insanity
RCW 10.97.040	Criminal history information released must include disposition
RCW 10.97.060	Deletion of certain criminal history record information, conditions
RCW 10.97.070	Disclosure of identity of suspect to victim
RCW 10.97.080	Inspection of criminal record by subject
RCW 13.32A.090	Crisis residential centers' notice to parent about child
RCW 13.34.115	Court dependency proceedings
RCW 13.40.217	Juveniles adjudicated of sex offenses – release of information
RCW 13.50.010	Maintenance of and access to juvenile records
RCW 13.50.050	Juvenile offenders

RCW 13.50.100	Juvenile/children records not relating to offenses
RCW 13.60.020	Missing children information
RCW 13.70.090	Citizen juvenile review board – confidentiality
RCW 18.04.405	Confidentiality of information gained by CPA
RCW 18.19.060	Notification to clients by counselors
RCW 18.19.180	Confidential communications with counselors
RCW 19.215.020	Destruction of personal health and financial information
RCW 19.215.030	Compliance with federal rules
RCW 26.04.175	Name and address of domestic violence victim in marriage records
RCW 26.12.170	Reports of child abuse/neglect with courts
RCW 26.23.050	Child support orders
RCW 26.23.120	Child support records
RCW 26.26.041	Uniform Parentage Act – protection of participants
RCW 26.26.450	Confidentiality of genetic testing
RCW 26.33.330	Sealed court adoption records
RCW 26.33.340	Agency adoption records
RCW 26.33.343	Access to adoption records by confidential intermediary
RCW 26.33.345	Release of name of court for adoption or relinquishment
RCW 26.33.380	Adoption – identity of birth parents confidential
RCW 26.44.010	Privacy of reports on child abuse and neglect
RCW 26.44.020(19)	Unfounded allegations of child abuse or neglect
RCW 26.44.030	Reports of child abuse/neglect
RCW 26.44.125	Records identifying the location of archaeological sites
RCW 29A.08.720	Voter registration records – place of registration confidential
RCW 29A.08.710	Voter registration records – certain information exempt
Chapter 40.14 RCW	Preservation and destruction of public records
RCW 42.23.070(4)	Municipal officer disclosure of confidential information prohibited
RCW 42.41.030(7)	Identity of local government whistleblower
RCW 42.41.045	Non-disclosure of protected information (whistleblower)
RCW 46.52.080	Traffic accident reports – confidentiality
RCW 46.52.083	Traffic accident reports – available to interested parties

RCW 46.52.120	Traffic crimes and infractions – confidential use by police and courts
RCW 46.52.130(2)	Abstract of driving record
RCW 48.62.101	Local government insurance transactions – access to information
RCW 50.13.060	Access to employment security records by local government agencies
RCW 50.13.100	Disclosure of non-identifiable information or with consent
RCW 51.28.070	Worker’s compensation records
RCW 51.36.060	Physician information on injured workers
RCW 60.70.040	No duty to disclose record of common law lien
RCW 68.50.105	Autopsy reports
RCW 68.50.320	Dental identification records – available to law enforcement agencies
Chapter 70.02 RCW	Medical records – access and disclosure – entire chapter (HC providers)
RCW 70.05.170	Child mortality reviews by local health departments
RCW 70.24.022	Public health agency information regarding sexually transmitted disease investigations – confidential
RCW 70.24.024	Transcripts and records of hearings regarding sexually transmitted diseases
RCW 70.24.105	HIV/STD records
RCW 70.28.020	Local health department TB records – confidential
RCW 70.48.100	Jail records and booking photos
RCW 70.58.104	Vital records, research confidentiality safeguards
RCW 70.96A.150	Alcohol and drug abuse treatment programs
RCW 70.123.075	Client records of domestic violence programs
RCW 70.125.065	Records of rape crisis centers in discovery
RCW 71.05.390	Information about mental health consumers
RCW 71.05.395	Ch. 70.02 RCW applies to mental health records
RCW 71.05.400	Information to next of kin or representative

RCW 71.05.425	Notice of release or transfer of committed person after offense dismissal
RCW 71.05.427	Information that can be released
RCW 71.05.430	Statistical data
RCW 71.05.440	Penalties for unauthorized release of information
RCW 71.05.445	Release of mental health information to Dept. of Corrections
RCW 71.05.620	Authorization requirements and access to court records
RCW 71.05.630	Release of mental health treatment records
RCW 71.05.640	Access to treatment records
RCW 71.05.650	Accounting of disclosures
RCW 71.24.035(5)(g)	Mental health information system – state, county and regional support networks – confidentiality of client records
RCW 71.34.200	Mental health treatment of minors – records confidential
RCW 71.34.210	Court records for minors related to mental health treatment
RCW 71.34.225	Release of mental health services information
RCW 71A.14.070	Records regarding developmental disability – confidentiality
RCW 72.09.345	Notice to public about sex offenders
RCW 72.09.585(3)	Disclosure of inmate records to local agencies – confidentiality
RCW 74.04.060	Applicants and recipients of public assistance
RCW 74.04.520	Food stamp program confidentiality
RCW 74.09.900	Medical assistance
RCW 74.13.121	Financial information of adoptive parents
RCW 74.13.280	Children in out-of-home placements – confidentiality
RCW 74.20.280	Child support enforcement – local agency cooperation, information
RCW 74.34.095	Abuse of vulnerable adults – confidentiality of investigations and reports
RCW 82.32.330	Disclosure of tax information
RCW 84.36.389	Confidential income data in property tax records held by assessor
RCW 84.40.020	Confidential income data supplied to assessor regarding real property

Selected Federal Confidentiality Statutes and Rules

Citation	Records
20 USC § 1232g	Family Education Rights and Privacy Act
42 USC 290dd-2	Confidentiality of Substance Abuse Records
42 USC 405(c)(2)(vii)(1)	Limits on Use and Disclosure of Social Security Numbers
42 USC 654(26)	State Plans for Child Support
42 USC 671(a)(8)	State Plans for Foster Care and Adoption Assistance
42 USC 1396a(7)	State Plans for Medical Assistance
7 CFR 272.1(c)	Food Stamp Applicants and Recipients
34 CFR 361.38	State Vocational Rehabilitation Services Programs
42 CFR Part 2 (2.1 – 2.67)	Confidentiality of Alcohol and Drug Abuse Patient Records
42 CFR 431.300 – 307	Safeguarding Information on Applicants and Recipients of Medical Assistance
42 CFR 483.420	Client Protections for Intermediate Care Facilities for the Mentally Retarded
42 CFR 510a(b)(2)(A)	Grants to States for Child Abuse and Neglect Prevention and Treatment Programs
45 CFR 160 – 164	HIPAA Privacy Rule