

PUBLIC RECORDS DISCLOSURE POLICY

The City of Yakima is committed to providing full access to public records in accordance with the Washington State Public Records Act (RCW Chapter 42.56). The purpose of the Act is to provide the public with full access to records concerning the conduct of government, mindful of individual privacy rights and the desirability of the efficient administration of government. This administrative regulation is adopted to establish the procedures the City of Yakima will follow to provide for the fullest assistance to requestors and the most timely possible action on requests while protecting public records from damage and preventing “excessive interference with other essential agency functions.” RCW 42.56.100. This regulation supersedes prior versions of ADM 1500 and is subject to revision at any time.

Central and Field Offices. The City of Yakima’s central office is City Hall, located at 129 North Second Street in Yakima, Washington 98901. The City has field offices in various locations for Departments such as the Police Department, the Fire Department, the Department of Public Works, the Wastewater Division, and Municipal Court. More information regarding the City of Yakima and its field offices may be obtained through the City’s website, www.ci.yakima.wa.us.

Public Records Officer. The City of Yakima has publicly identified a Public Records Officer whose responsibility is to serve as a point of contact for Public Records Act requests. The Public Records Officer oversees compliance with the Washington State Public Records Act, although other city staff members may process public records requests.

How to Request Records. Any person wishing to request access to public records¹ or seeking assistance in making such a request should direct their request to the Public Records Officer. The Public Records Officer is located at:

Public Records Officer
City Clerks Office
129 North 2nd Street
Yakima, Washington 98901

Phone: (509) 575-6037
Fax: (509) 576-6614
Email: publicrecords@ci.yakima.wa.us

The City Clerk’s office hours are 8 a.m. to 5 p.m., Monday through Friday, excluding holidays. A variety of records are available on the City’s website at www.ci.yakima.wa.us. Requestors are encouraged to view records available on the website prior to submitting a records request.

¹ Public records are defined 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.” RCW 42.17.020(41). “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.” RCW 42.17.020(48).

Requestors who are only seeking records from individual Departments may contact those Departments directly at the following locations, Monday through Friday, excluding holidays:

Yakima Police Department
Attn: Police Services Supervisor/Disclosure
200 South Third Street
Yakima, Washington 98901
Phone number: (509) 575-6220
Fax number: (509) 575-3032
Office Hours: 8 a.m. to 9 p.m.

Yakima Fire Department
Attn: Fire Secretary/Disclosure
401 North Front Street
Yakima, Washington 98901
Phone number: (509) 575-6060
Fax number: (509) 576-6356
Office Hours: 8 a.m. to 5 p.m.

Public Safety Communications (911)
Attn: Manager/Public Disclosure
200 South Third Street
Yakima, WA 98901
Phone number: (509) 575-3536
Fax number: (509) 576-6555
Office Hours: 8 a.m. to 4:30 p.m.

Yakima Municipal Court files are not subject to the Public Records Act. Access to these records may be sought by contacting the Municipal Court directly.

Form of the Request. Requests for records should be in writing. Requestors are encouraged to use forms prescribed by the City Clerk, which are available at the City Clerk's Office and on the City of Yakima's website. Requests may be submitted in person, by mail, fax, or e-mail. E-mail will be considered received on the date the message is stamped "received", not on the date sent. Requestors seeking records from individual Departments should use the forms provided by those Departments. Requests should include the following information:

1. The name, mailing address, and daytime phone number of the person making the request;
2. The date of the request; and
3. The nature of the request, including an identification of the public records adequate for the City Clerk or designee to be able to locate the records.

Response to Requests. The City will process requests in the order allowing the most requests to be processed in the most efficient manner. Within 5 business days of receiving a request, the City will either (1) provide the record; (2) acknowledge that it has received the request and provide a reasonable estimate of the time it will require to respond to the request; or (3) deny the request. RCW 42.56.520. Additional time to respond may be based on the need to clarify the intent of the request, to locate and assemble the records, to notify third persons or agencies affected by the request and provide such persons with the opportunity to seek a court order preventing disclosure where appropriate, and/or to determine whether any of the information requested is exempt from disclosure. Id. If a requestor fails to clarify an unclear request, the City will treat the request as having been withdrawn.

Requested records may be made available on a partial or installment basis. If an installment is not claimed, the City will not fulfill the balance of the request. RCW 42.56.120.

All denials of requests for public records will be accompanied by a written statement specifying the reason(s) for the denial, including a statement of the specific exemption authorizing the withholding

of the record and a brief explanation of how the exemption applies to the record withheld. RCW 42.56.210(3).

This policy does not require the City to answer written questions, create new public records, or provide information in a format that is different from original public records.

Preservation of Public Records. No member of the public may remove a public record from a viewing area or disassemble or alter any public record.

Mechanism for Review of Denial. Any person who objects to the denial of a public records request may petition in writing 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. The Public Records Officer shall perform a review of the denial as promptly as possible. Pursuant to state law, the review shall be deemed concluded at the end of the second business day following the denial. RCW 42.56.520.

Fees. The fees for copies of public records are as stated in the attached Fee Schedule. When public records are mailed to a requestor, a charge for postage and the cost of the envelope or container used may be added if the envelope and postage charge is \$4.00 or more. No fee is charged for inspection of a public record or for locating a record. Fees may be waived due to the few number of copies made or other circumstances. When a change in the established cost schedule is required, the City Clerk, in consultation with appropriate Department(s), shall change the schedule by filing a new Fee Schedule. Payment of fees is required prior to release of records unless other arrangements have been made.

Deposit. The City may require a deposit of up to 10% of the estimated cost of copying records prior to copying any records for a requestor. The City may also require payment of the remainder of the cost before providing all of the records, or the payment of the costs of copying an installment before providing that installment. RCW 42.56.120.

Organization of Public Records. The City finds that maintaining an index as provided in RCW 42.56.070(3) for use by the public would be unduly burdensome and would interfere with agency operations given the high volume, various locations, and types of public records received, generated, and otherwise acquired by the City. RCW 42.56.070(4). Notwithstanding the foregoing, the City will maintain its records in a reasonably organized manner and take reasonable actions to protect records from damage and disorganization.

Records and Information Exempt from Public Disclosure. The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. RCW 42.56.230 through 42.56.480 contain a large number of exemptions from public inspection and copying. RCW 42.56.070(9) specifically prohibits the City from disclosing lists of individuals for commercial purposes. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. RCW 42.56.070(1). Requestors should be aware of the following exemptions that restrict the availability of some documents held by the City. This list is not exclusive.

- RCW 42.56.230(2) Personal information in files maintained for employees, appointees, or elected officials to the extent disclosure would violate their right to privacy.
- RCW 42.56.240(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

RCW 42.56.250(1)	Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.
RCW 42.56.250(2)	All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.
RCW 42.56.250(3)	Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of employee or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency that are held by any public agency in personnel records.
RCW 42.56.250(5)	Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.
RCW 42.56.290	Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended are exempt, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action.
RCW 42.56.070(1); RCW 5.60.060(2)(a); RCW 42.56.290; CR 26(b)(4)	Attorney-client privileged communications and attorney work product.
RCW 4.24.550	Information on sex offenders
RCW 5.60.060	Privileged communications
RCW 5.60.070	Court-ordered mediation records
RCW 42.56.600; RCW 7.07	Mediation communications under the Uniform Mediation Act
RCW 7.69A	Child victims and witnesses
RCW 9A.82.170	Financial institution records
RCW 10.27	Grand jury records/information
RCW 10.29	Special inquiry judges
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	Criminal Records Privacy Act
RCW 13.50	Juvenile records
RCW 13.60.020	Missing children information
RCW 18.04.405	Confidentiality of information gained by CPA
RCW 19.215	Disposal of personal information
RCW 26.26.041	Uniform Parentage Act
RCW 26.26.450	Confidentiality of genetic testing
RCW 26.33	Adoption records
RCW 26.44	Records of child abuse and neglect
RCW 27.53.070	Records identifying the location of archaeological sites
RCW 40.14	Preservation and destruction of public records
RCW 42.23.070	Municipal officer disclosure of confidential information prohibited
RCW 46.52	Traffic records
RCW 48.62.101	Local government insurance transactions
RCW 50.13	Employment security records
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
RCW 42.56.360(2); RCW 70.02 Medical Records
RCW 70.05.170 Child mortality records
RCW 70.24 Public health records
RCW 70.48.100 Jail records and booking photos
RCW 70.96A.150 Alcohol and drug abuse treatment programs
RCW 71.05 Mental health records
RCW 71.34 Mental health treatment of minors
RCW 71A.14.070 Records regarding developmental disability
RCW 72.09.345 Notice to public about sex offenders
RCW 74.34.095 Abuse of vulnerable adults – investigations and reports
RCW 82.32.330 Disclosure of tax information
42 USC § 290dd-2 Confidentiality of Substance Abuse Records
42 USC 405(c)(2)(vii) Limits on Use and Disclosure of Social Security Number
42 CFR Part 2 Confidentiality of Alcohol and Drug Abuse Patient Records
45 CFR 160-164 Health Insurance Portability and Accountability Act (HIPAA)

CITY OF YAKIMA, WASHINGTON
FEE SCHEDULE

Standard Photocopies, per page	\$0.15
Audiotape, per tape, blank cassette provided	No charge
Blank cassette not provided	\$0.70
Photographs on photography paper, per page	\$0.70
CD-Rom, blank CD provided	No charge
Blank CD not provided	\$0.20
DVD / VHS video recording	\$4.10

City Clerk:

Ordinance or Resolution, first copy	No charge
Agenda Packet, first copy	No charge
 Yakima Municipal Code Book	 \$75.00
Supplements	Actual cost

Engineering and Code Administration

Maps:

Zoning Maps:	
44" x 6' large wall map	\$20.00
42" x 24" small wall map	\$10.00
 Boundary Maps:	
44" x 6' large wall map	\$15.00
42" x 24" small wall map	\$10.00
Small boundary map - black & white	\$1.00
 Land Use Maps	 \$15.00
 R/R Area Map	 \$6.00
 Publications:	
Master Business List (non-commercial use only)	\$15.00
New Business List	\$3.00
Zoning Ordinance	\$5.00
 Aerial maps (small)	 \$3.00
(24 x 60)	\$5.00

Police Department: *

Patrol car video on DVD, per DVD	\$1.00
Digital Photographs on CD-Rom, per CD	\$1.50
Traffic Accident Report, per report	\$5.00
Police Department Annual Report	
First copy.....	no charge
Additional copies	\$5.00 ea.

Other:

Printed publications not specified herein.....	City's cost
--	-------------

* The Police Department has a fee schedule for other services such as record checks, verification letters, and fingerprints. Please contact the Police Department for the current fees for these services.