

BEFORE THE BOARD OF TRUSTEES OF
YAKIMA VALLEY LIBRARIES

In the Matter of Approving the Public Records Policy Revisions
and Public Records Index Exemption

RESOLUTION
24-007

WHEREAS, the Yakima Valley Libraries' Board of Trustees adopt and set policy;

WHEREAS, Yakima Valley Libraries follows the requirements of the Revised Code of Washington (RCW) 42.56, commonly known as the Public Records Act and the Washington Administration Code (WAC) Chapter 44-14;

WHEREAS, the Inspection of Public Records Policy, adopted on April 29th, 2013, with Resolution #13-008, and the Public Records Index Exemption was approved with Resolution #13-009;

WHEREAS, the Executive Director has reviewed and made recommendations to revise the Inspection of Public Records Policy and Public Records Index Exemption

WHEREAS, RCW 42.56.070 section 1, *Documents and indexes to be made public*, and WAC 44-14-03003, *Index of Records*, outlines the rules for making public records available; and

WHEREAS, RCW 42.56.070 section 4 and WAC 44-14-03003 provide an option for a local agency to opt out of the indexing requirement by issuing a formal order specifying the reasons for doing so; and

NOW THEREFORE BE IT RESOLVED, per the findings included in subsection C of **Index of Public Records** and pursuant to RCW 42.56.070(4), the Yakima Valley Libraries Board of Trustees extends its order:

- Yakima Valley Libraries is not required to maintain an all-inclusive index of public records due to the undue burden and near-impossibility of maintaining such an index.

NOW THEREFORE BE IT RESOLVED, Resolution #24-007 replaces Resolution #13-009: In the Matter of Public Records Index Exemption

NOW THEREFORE BE IT RESOLVED, that Yakima Valley Libraries will adopt copying charges set forth in RCW 42.56.120.

NOW THEREFORE, BE IT RESOLVED, Yakima Valley Libraries Board of Trustees approve and adopt the attached revised Public Records Policy to replace Resolution #13-008.

PASSED AND ADOPTED by the Board of Trustees of Yakima Valley Libraries on this
23rd day of September 2024.

Darline Charbonneau

Trustee

[Signature]

Trustee

Bruce Leht

Trustee

Mary Macintosh

Trustee

Gracie L Panafkos

Trustee

Public Records Request Policy & Order

Authority and Purpose.

[RCW 42.56.070\(1\)](#) requires each agency to make available for inspection and copying nonexempt “public records” in accordance with published rules. The Act, [RCW 42.56.010\(3\)](#), defines “public record” to include 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 the agency regardless of physical form or characteristics and specifically excludes records that are not otherwise required to be retained by the agency.

To establish the policy and procedures that Yakima Valley Libraries will follow in order to provide full access to public records, assistance to requestors, and timely responses, while at the same time protecting public records from damage or disorganization, preventing disclosure of exempt or confidential information, and preventing excessive interference with other essential functions of the Library.

Request(s)

All persons desiring to inspect or receive a copy of any public record of the Yakima Valley Libraries should submit their request to the Public Records Officer, or designee at publicrecords@yvl.org. Requests may be written, email, or oral. A form is available for your convenience.

Processing of public records requests.

A. *Prompt Responses.* Responses to requests for public records shall be made promptly and pursuant to guidelines established in Chapter [42.56](#) RCW.

B. *Acknowledging Receipt of Request.* Within five business days of receiving a written public record request, not including the date on which the Public Records Officer receives the request, the Yakima Valley Libraries must acknowledge the request in one of the ways provided in this subsection:

1. Provide the record;
2. Provide an internet address or link on the Yakima Valley Libraries’ website to the specific records requested, except that if the requester notifies the Yakima Valley Libraries that he or she cannot access the records through the internet, then the Yakima Valley Libraries will provide access to copies. If copies are requested, Yakima Valley Libraries will provide them, after payment for the copies has been made by the requestor, or, if copies are being released in installments, after payment of a deposit is made pursuant to the Copying Fees.
3. Acknowledge that the Yakima Valley Libraries has received the request and provide a reasonable estimate of the time the Yakima Valley Libraries will require to respond to the request. This estimate will take into consideration the large number or volume of records requested, the complexity of the request, the time it will take to coordinate departments to locate and assemble the requested records, third-party notice, review of records for exemption and review of exemptions and records by legal staff;
4. If the request is unclear or does not sufficiently identify the requested records, the Yakima Valley Libraries will request clarification from the requestor. The Public Records Officer or designee may revise the estimate of when records will be available based on the clarification from the requestor. If the requestor fails to respond to the request to clarify, and the entire request is unclear, the Yakima Valley Libraries will inform the requester that the request is closed. Otherwise the Yakima Valley Libraries will respond to the portions of the request that are clear;
5. Deny the public record request. Denials must be accompanied by a written statement of specific reasons for the denial.
6. Identifiable Record. A public records request must be for identifiable records. A request for all, or substantially all, records prepared, owned, used or retained by the Yakima Valley Libraries is not a valid request for identifiable records; provided, that a request for all records regarding a particular topic or containing a particular keyword or name shall not be considered a request for all of the Yakima Valley Libraries’ records.

D. *Records Exempt from Disclosure.* Some records are exempt from disclosure, in whole or in part. If Yakima Valley Libraries 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.

E. *Exemption Log.* If the Yakima Valley Libraries determines that a record is exempt and should be withheld, in whole or in part, the Yakima Valley Libraries will prepare and maintain an exemption log of those records. A copy of the exemption log will be provided to the records requestor.

Providing records to requestor.

A. *Receiving Records.* The requestor may indicate to the Public Records Officer whether he or she wishes to inspect records, have the records copied, or have the records provided electronically.

B. *Inspection of Records.* If a requestor seeks an opportunity to inspect public records, an appointment shall be made with the Public Records Officer. The records will be available for inspection by appointment at Yakima Valley Libraries' [Service Center](#) Monday through Friday 9am to noon and 1 to 4pm, excluding legal holidays or upon official closure of the facility. The Public Records Officer, or designee, shall be present or otherwise monitor when records are being inspected. The requestor shall indicate which documents they wish the agency to copy and the Public Records Officer will notify the requestor when the requested documents will be available to claim.

C. *Providing Records in Installments.* Public records may be made available on a partial or installment basis, as records that are part of a larger set of requested records are assembled or made ready for public inspection or disclosure.

D. *Revised Estimate of Time.* At any time while processing a request, the Public Records Officer may provide the requestor with a revised reasonable estimate of time within which the Yakima Valley Libraries will respond to the request. In addition, a revised estimate may be based upon any unexpected or unforeseen delays encountered during the request processing, additional requests submitted by the same requestor while the initial request is pending, and changed circumstances or other considerations ascertained during processing.

E. *Providing Electronic Records.* When a requestor requests records in an electronic format, if technically feasible, 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 Yakima Valley Libraries and is generally commercially available; or will provide the records in a format that is reasonably translatable from the format in which the agency keeps the record. The requestor may also opt to have the records provided to them on digital storage media or device.

F. *Withdrawn or Abandoned Requests.* The Yakima Valley Libraries may consider a request abandoned and close a request when the requestor either withdraws their request or fails to fulfill their obligations in the processing of the request. The Yakima Valley Libraries may consider a request abandoned in the following circumstances:

1. If an entire request is unclear, and the requestor fails to clarify the request within 30 days of Yakima Valley Libraries' request for clarification;
2. If the requestor fails to inspect records within 30 days of being notified that records are available for inspection;
3. If the requestor misses an appointment to inspect records and fails to contact the Yakima Valley Libraries within 30 days of the missed appointment;
4. If the requestor fails to pick up records at Yakima Valley Libraries Service Center within 30 days of being notified that the records are available for in-person pick-up; or
5. If the requestor fails to pay copying fees, pay a deposit or the final payment for the requested copies of records within 30 days of receiving an invoice from the Yakima Valley Libraries for payment thereof.

G. *Closing a Request.* After the Public Records Officer has completed a request for disclosure by providing the requestor with responsive documents and an exemption log, if applicable, the Public Records Officer will close the request and

inform the requestor of this status. A closing letter to a requester will explain how the request was fulfilled and why the request is now being closed. A closing letter will also inform the requestor that the PRA has a one-year statute of limitations to seek judicial review, that the statute of limitations has started to run, and that Yakima Valley Libraries does not intend to further address the request. Finally, a closing letter will invite a requester to ask follow-up question within a reasonable period of time, which will be specified in the closing letter.

Exemptions.

The Yakima Valley Libraries adopts by reference the exemptions from public disclosure contained in Chapter [42.56 RCW](#), including any future amendments thereto or recodification thereof, along with any other exemption provided by law.

Copying Fees.

A. Yakima Valley Libraries has determined that calculating the actual costs to charge the requestor is unduly burdensome and would interfere with the Library's operations. Therefore, Yakima Valley Libraries will charge the requestor for photocopies or electronically produced copies of public records in accordance with the charges set forth in [RCW 42.56.120](#), including any future amendments:

- No fee for inspection of records at Service Center.
- No fee for accessing or downloading records the agency routinely posts on its website, unless the requestor asks the agency for records to be provided through other means.
- 15 cents/page for photocopies or printed electronic copies;
- 10 cents/page for records scanned into electronic format;
- 5 cents for every four electronic files or attachments uploaded to an email, cloud storage service or other electronic delivery system; or
- 10 cents/per gigabyte for transmitting records electronically

B. *Customized Service Charge.* Yakima Valley Libraries may charge a customized service charge in cases where the Yakima Valley Libraries reasonably estimates that the request will require the use of information technology expertise to prepare data compilations or provide customized electronic access services in cases where such compilations and customized access services are not used by Yakima Valley Libraries for other purposes. Before imposing a customized service charge, Yakima Valley Libraries will notify a requestor of the anticipated customized service charge, explain why the customized service charge applies, describe the specific expertise required to respond to the request, estimate the cost of the customized service charge, and allow the requestor to amend his or her request in order to avoid or reduce the cost of a customized service charge.

C. *Deposit for Records.* Yakima Valley Libraries may require a deposit in an amount not to exceed 10 percent of the estimated cost of providing copies for a request, including customized service charges if applicable. If public records are made available on a partial or installment basis, the applicable fees shall be due and payable for each part of the request as it is provided.

D. *Costs for Electronic Records.* The cost of providing electronic copies of records on a digital storage media or device will be the actual cost. If electronically produced copies are being provided by email or through a public records portal, cost for the records will be in accordance with [RCW 42.56.120](#).

E. *Costs of Mailing.* The Yakima Valley Libraries may also charge actual costs of mailing, including the cost of a shipping container, and the actual cost of long-distance fax transmission.

F. *Payment.* Payment for the costs of records may be made by cash or check made payable to the Yakima Valley Libraries.

G. The Yakima Valley Libraries has the discretion to waive copying charges for photocopies or electronically produced copies of public records. The Yakima Valley Libraries may also enter into a contract, memorandum of understanding, or other agreement with a requestor that provides an alternative fee arrangement to the charges authorized in [RCW 42.56.120](#), or in response to a voluminous or frequently occurring request.

Index of Public Records

A. The Public Records Act requires all cities and public agencies to maintain and make available a current index of all public records.

B. [RCW 42.56.070\(4\)](#) provides that an agency need not maintain such an index if to do so would be unduly burdensome, but it must issue and publish a formal order specifying the reasons why and the extent to which compliance would be unduly burdensome or would interfere with agency operations.

C. Yakima Valley Libraries is comprised of numerous departments and library locations, many if not all of which, maintain separate databases and/or systems for the indexing of records and information. Because Yakima Valley Library has records which are diverse, complex and stored in multiple locations, it is unduly burdensome, if not physically impossible, to maintain a current index of all records.

D. Based upon the findings set forth in subsection C, and pursuant to [RCW 42.56.070\(4\)](#), the Yakima Valley Libraries Board of Trustees orders the following:

1. Yakima Valley Libraries is not required to maintain an all-inclusive index of public records due to the undue burden and near-impossibility of maintaining such an index.
2. The Yakima Valley Libraries will make available for inspection and/or copying all public records, maintained by Yakima Valley Libraries, except to the extent that such records are exempt from public disclosure.

YAKIMA VALLEY LIBRARIES' INSPECTION OF PUBLIC RECORDS POLICY AND PROCEDURE

Public Records Available

Resolution#13-008 & Resolution#13-009

Yakima Valley Libraries (YVL) public records are to be available for public inspection and duplication, except as otherwise provided by RCW 42.56.001 - 42.56.904. The following procedure sets forth the process for determining the availability of records for public inspection and copying. This procedure is available at the Library (contact Public Records Officer) and on the Library's website and has been adopted by the Board of Trustees by **Resolution #13-008**, and waiving of an index with **Resolution #13-009**.

Office Hours and Inspection Location

Public records are available to the public for inspection and copying at the Yakima Valley Library Administrative Offices, 102 N. 3rd Street, Yakima, WA 98901, from 9am-Noon and from 1-4pm, Monday through Friday, excluding legal holidays or upon official closure of the facility.

Requests for Public Records

Any public record may be obtained by members of the public by using the following procedures:

- All requests for inspection and copying of documents must be made to the Public Records Officer.
- Requests may be written, email, or oral. A form is available for your convenience.
- Oral requesters are strongly encouraged to make written or email requests. However if an oral request is made, the Library will document the request in writing and forward to the Public Records Office. The Public Records Officer will confirm the oral request in writing.
- The request should include the following information:
 - The name, address and telephone number of the person requesting the record;
 - The time of day and calendar date on which the request was made;
 - The nature of the request; and
 - An adequate description of the record requested including the document name.
- Completed requests may be turned in at any community library or directly to the Public Records Officer at Yakima Valley Libraries, 102 N. 3rd Street, Yakima, WA 98901.

Copying

No fee will be charged to inspect public records. YVL may charge a fee of 10 cents per page of copy for providing copies of public records and for use of YVL's copying equipment. If YVL has to pay an outside source for making duplicates of records such as photographs, camera surveillance footage, or blueprints, YVL may pass such costs on to the requestor.

Exemptions and Denials of Requested Public Records

Documents or portions of documents may be withheld from disclosure under Washington law. Yakima Valley Libraries reserves the right to determine that a public record requested in accordance with the procedure is exempt under the provisions of the law. These exemptions from disclosure may include:

- Library Records of Individual Users as identified under RCW 42.56.310;
- Public Records Act Exemptions as identified under 42.56.210 et seq. A copy of RCW 42.56.210 is available at: <http://apps.leg.wa.gov/rcw/default.aspx?cite=42.56>.
- Other Exemptions – <http://www.mrsc.org/publications/pr09.pdf#page=78>

In addition, YVL reserves the right to delete identifying details when there is a reason to believe that the disclosure would be an invasion of personal privacy. The library will fully justify in writing any withholding—in whole or in part—of any requested records.

Yakima Valley Libraries' Response

- The Library shall respond to all public records requests within five business days or sooner, or within five business days acknowledge receipt of the request and explain why more time is needed for a full response
- After all copies of requested materials have been provided to the requestor, the requestor has reviewed requested records, or 15 days have passed since the requestor was notified that the records were available and the requester has failed to contact the Public Records Office to arrange for the review of those records or for payment for copies, the Public Records Officer shall close the record's request.



PUBLIC RECORDS REQUEST FORM
FOR
YAKIMA VALLEY LIBRARIES

Pursuant to RCW 42.56.001 - 42.56.904, I request inspection of the following records in your office:
(Please provide any information that will help us locate them for you as quickly as possible. Use appropriate document title and date and appropriate index title, if known.)

If any material contained in this request is exempt from disclosure, I understand you will provide the name of the document and the specific reason for the exemption.

Washington State law, RCW 42.567.070(9), prohibits the use of lists of individuals for commercial purposes. If I or someone else uses these records for commercial purposes, I may violate the rights of the individuals named and I may be liable for damages.

I certify that the lists of individuals obtained through this request for public records will not be used for commercial purposes.

Name of requester (printed): _____

Address: _____

Phone Number: _____

Requester Signature: _____

Date: _____ Time of Request: _____

The Library shall respond to all public document requests within five business days or sooner, or within five business days acknowledge receipt of the request and explain why more time is needed for a full response.

Date Received/Initial

Date Responded/Initial

Notes