

**BELLINGHAM HOUSING AUTHORITY
PUBLIC RECORDS POLICY**

AUTHORITY AND PURPOSE

It is the policy of the Housing Authority of Whatcom County and the Housing Authority of the City of Bellingham (together referred to as "BHA") to release BHA records in compliance with the Washington Public Records Act ("Act"), Chapter 42.56 RCW, and any other applicable provisions of federal or state law.

This policy establishes the procedures BHA 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 BHA and establishes processes for both Requesters and BHA staff.

The purposes of this policy are to: (1) describe the organization of BHA; and (2) comply with 42.56 RCW, the Public Records Act. Except where these guidelines are mandated by statute, the guidelines in this policy are discretionary and advisory only and shall not impose any affirmative duty on BHA. BHA reserves the right to apply and interpret this policy as it sees fit, and to revise or change the policy at any time.

This policy shall be available at BHA's Main Office and posted on BHA's Website.

AGENCY DESCRIPTION

The Bellingham Housing Authority is a public housing authority and local government agency that serves citizens by providing low-income public housing, Section 8 Housing Choice Vouchers, Shelter Plus Care, and other affordable housing and related programs in Whatcom County, Washington.

The BHA's central office is located at 208 Unity Street, Bellingham, WA 98225.

PUBLIC RECORDS OFFICER

The Executive Director of the BHA shall designate a Public Records Officer.

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

Public Records Officer
Bellingham Housing Authority
208 Unity Street
Bellingham, WA 98225
Telephone: 360.715.7330
Fax 360.676.7747
E-mail: publicrecordsofficer@bwcha.org

Or by mail at:

Public Records Officer
Bellingham Housing Authority
PO Box 9701
Bellingham, WA 98227-9701

Information is also available at the BHA's web site at www.bellinghamhousing.org.

The Public Records Officer will oversee compliance with the Public Records Act, but another BHA staff member may process the request. Accordingly, any reference in this Policy to the "Public Records Officer" means the Public Records Officer or designee.

The Public Records Officer will provide fullest assistance to Requesters, 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 BHA.

GENERAL AVAILABILITY OF PUBLIC RECORDS

Public records are available for inspection and copying during normal business hours of the BHA, Monday through Friday, 9:00 a.m. to 4:00 p.m., , excluding legal holidays. Records must be inspected at the 208 Unity Street offices of the BHA, unless the requester pays for copies as provided in this policy and in Chapter 42.56 RCW.

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

Some of the commonly requested BHA documents are available on our website at www.bellinghamhousing.org.

MAKING A REQUEST FOR PUBLIC RECORDS

Any person requesting public records of the BHA should make the request in writing on the BHA's request form. The form is available for use by Requesters at the office of the Public Records Officer and on-line at website: www.bellinghamhousing.org. Requests should be made to the Public Records Officer listed on page 1 and should include the following information:

- a. Name and address of the Requester
- b. Date of the request
- c. A detailed description of the public record being requested
- d. Whether the Requester 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 Requester

If a request is 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. Notify the Requester in writing that the documents are available;
- b. Send copies to Requester if payment has been received or waived, with a letter acknowledging and/or closing the request as appropriate;
- c. Send an acknowledgment letter and provide a reasonable estimate of the time necessary for BHA to respond to the request;
- d. If the request is unclear or does not sufficiently identify the requested records, send a letter requesting clarification from the Requester; or
- e. Send a letter denying the request, including an exemption log if responsive exempt records exist.

BHA reserves the right to direct requesters to the BHA website for commonly requested documents. The Public Records Officer will assist any requester who cannot easily access the internet.

Reasons for Additional Time to Respond

BHA may need additional time to respond to a request based on the need to do any of the following:

- a. Clarify what documents are being sought in the request;
- b. Locate and assemble the information requested;
- c. Use the requested record in BHA's normal course of business;
- d. Notify third persons or agencies affected by the request; or
- e. Determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

Unclear Requests

BHA may request clarification of an unclear request in its initial response and provide “to the greatest extent possible” a reasonable estimate of the time it will take BHA to respond

if the request is not clarified. If a requester fails to clarify a request that is unclear in its entirety, the BHA need not respond to the request; however, BHA will respond to portions of a request that are clear.**Notice to Third Parties**

In the event that the requested records contain personal information that identifies an individual or organization or other information that may affect rights of others, the Public Records Officer may provide notice to those individuals or organizations such others whose rights may be affected by the disclosure. BHA may send this notice to the individual or organization if releasing the personal information could damage the individual or organization, or government operations, or is not in the best interest of the public. The notice to the affected persons should include a copy of the record request, the date BHA intends to release the record and how the individual or organization can prevent release of the record. BHA will release such records by the specified date if no one objects or the contacted party does not respond by the specified date. This procedure shall not create any rights to third parties to such notice.

Records Exempt From Disclosure

Some records are exempt from disclosure, in whole or in part, based on the laws and regulations identified in Appendix A, or due to other state or federal law. If the BHA believes that a record is exempt from disclosure and should be withheld, the Public Records Officer will provide an exemption log including the specific exemption and 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 Requester why portions of the record are being redacted.

Pursuant to the Public Records Act, BHA reserves the right to seek to enjoin the examination of any specific record, the examination of which BHA determines would clearly not be in the public interest and would substantially and irreparably damage any person or would substantially and irreparably damage vital governmental functions.

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 BHA and is generally commercially available, or in a format that is reasonably translatable from the format in which the BHA keeps the record. An hourly fee will be charged for transferring and translating the format of electronic documents.

Customized Access to Data Bases

With the consent of the Requester, the BHA may provide customized access under RCW 43.41A.130 if the record is not reasonably locatable or not reasonably translatable into the format requested. The BHA may charge a fee consistent with RCW 43.41A.130 for such customized access.

Inspection of Records

The Requester must claim or review the assembled records within fifteen (15) days of the BHA's notification to him or her that the records are available for inspection or copying. BHA will notify the Requester in writing of this requirement and inform the Requester that he or she should contact the agency to make arrangements to claim or review the records. If the Requester fails to claim or review the records within the fifteen-day period or make other arrangements, BHA may consider the request abandoned, unless the Requester seeks an additional amount of time to review the records.

Protection of Records

In order that BHA public records may be protected from damage or disorganization as required by the Act, the following procedures and practices are hereby instituted:

- a. No public records shall be removed from BHA's main office without the Public Records Officer's permission;
- b. Inspection of any public records shall be conducted in the presence of the Public Records Officer or designated staff;
- c. No public record may be marked, defaced, torn, damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public;
- d. Public records maintained in a file jacket or binders, or in chronological order, may not be dismantled except for the purpose of copying, and then only by BHA staff; and
- e. Public records of the District may be copied only on BHA copying machines unless other arrangements are made by the Public Records Officer.

Large Requests - Providing Records in Installments

When the request is for a large volume of records, the Public Records Officer may elect to provide records on an installment basis. In such case, the Public Records Officer should provide a reasonable estimate in his or her initial response as to when the first installment will be available and when the entire request will be completed. The Public Records Officer will send additional written notice as installments are ready for inspection or to be copied. If a Requester does not contact the Public Records Officer within 15 days of any such notification to arrange for the review of the first installment or any subsequent installment, BHA may deem the request abandoned and stop fulfilling the remainder of the request.

Completion of Inspection

Once all copies of requested records have been provided to the Requester, the Requester has reviewed the requested records, or 15 days have passed since a notice of availability was sent to the Requester and the Requester has failed to contact the Public Records Officer to arrange for the review of those records or for payment for copies, the Public Records Officer shall mail the Requester a "Closing Letter" informing the Requester that the Authority has fully responded to the

Records Request. Upon receipt of the Closing Letter, the Requester should immediately inform the Public Records Officer if the Requester does not think BHA has fully complied, or needs additional time to review the records. If the Requester does not respond within ten business days after the Closing Letter was sent, BHA may treat the matter as closed.

Later Discovered Documents

If, after the BHA has informed the Requester that it has provided all available records, the BHA becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the Requester 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. Requesters should be aware of exemptions, outside the Public Records Act, that restrict the availability of some documents held by the BHA for inspection and copying. Some exemptions are described in Appendix A.

The BHA 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 in person at BHA's main office. For records requests requiring copies of documents, the Requester will pay the appropriate reproduction and mailing costs. The Public Records Officer may elect to waive these fees.

For reasons stated in Resolution 2604, incorporated herein by reference, BHA finds that it would be unduly burdensome and would interfere with BHA operations to calculate the actual costs of producing electronic records.

WAC 44-06-092 Copying fees & Payments. (1) The following copy fees and payment procedures apply to requests to the office under chapter 42.56 RCW and received on or after July 23, 2017. (2) Pursuant to RCW 42.56.120(2)(b), the office is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons: (i) The office does not have the resources to conduct a study to determine all its actual copying costs; (ii) to conduct such a study would interfere with essential agency functions; and, (iii) through 2017 legislative process, the public and requesters have commented on and been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120(2)(b) and (c), (3) and (4).

(3) The office will charge for copies of records pursuant to the default fees in RCW 42.56.120(2)(b) and (c). The office will charge for customized services pursuant to 42.56.120(3). Under RCW 42.56.130, the office may charge for other copy fees authorized by statutes outside of chapter 42.56 RCW. The office may enter into an alternative fee agreement with a requester under RCW 42.56.120(4). The charges for copying methods used by the office are summarized in the fee schedule available on the office's website at www.bellinghamhousing.org.

(4) Requesters are required to pay for copies in advance of receiving records. Fee waivers are an exception and are available for some small requests under the following conditions.

(a) It is within the discretion of the public records officer to waive copying fees when: (i) all of the records responsive to an entire request are paper copies only and are twenty-five or fewer pages; or (ii) all of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of 100 printed pages. If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requester will be charged in accordance with this rule.

(b) Fee waivers are not applicable to records provided in installments.

(5) The public records officer may require an advance deposit of ten percent of the estimated fees when the copying fees for an installment or an entire request, or customized service charge, exceeds twenty-five dollars.

(6) All required fees must be paid in advance of release of the copies or an installment of copies, or in advance of when a deposit is required. The office will notify the requester of when payment is due.

(7) Payment should be made by check or money order to the Office of the Lieutenant Governor. The office prefers not to receive cash. For cash payments, it is within the public records officer's discretion to determine the denomination of bills and coins that will be accepted.

(8) The office will close a request when a requester fails by the payment date to pay in the manner prescribed for records, an installment of records, or a required deposit.

Payment

Payment may be made by cash, check, or money order to the Bellingham Housing Authority.

PRESERVATION OF RECORDS

Nothing in the Policy prevents BHA from destroying information relating to employee misconduct or alleged misconduct, in accordance with RCW 41.06.450. But if a Record Request is made at a time when such record exists but is scheduled for destruction in the near future for any reason, the Public Records Officer shall retain possession of the record, and may not destroy or erase the record until the request is resolved.

BHA shall comply with state and federal laws affecting the maintenance and preservation of public records, including but not limited to the guidelines promulgated by the Secretary of State Division of Archives and Records Management.

TRACKING A PUBLIC RECORDS REQUEST

The Public Records Officer shall be responsible for intake of requests and shall log every public records request received in the Public Records Request Tracking application.

INDEX OF PUBLIC RECORDS

For the reasons stated in Resolution 2445, incorporated herein by reference, BHA finds that it would be unduly burdensome and would interfere with BHA operations to maintain an index of records. BHA will make available for public disclosure all indices which may at a future time be developed for BHA use.

REVIEW OF PUBLIC RECORDS REQUEST DENIALS

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.

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

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

DISCLAIMER OF LIABILITY

Neither the Bellingham 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 Bellingham Housing Authority beyond those imposed by state and federal law.

Appendix A

Exemption and Prohibition Statutes Pertaining to Public Records Disclosure by BHA

(These are in addition to any exemptions in Chapter 42.56 RCW. This list is for informational purposes and is not intended to be exclusive or exhaustive. Public Records may be exempt from disclosure under other laws.)

Washington State Statutes

Citation Records

RCW 4.24.550	Information on sex offenders to public
RCW 5.60.070	Court-ordered mediation records
RCW 19.215.020	Destruction of personal health and financial information
RCW 19.34.240(3)	Private digital signature keys
RCW 19.215.030	Compliance with federal rules
RCW 26.44.030	Reports of child abuse/neglect
RCW 27.53.070	Records identifying the location of archaeological sites
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 42.56.230	Personal Information
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 51.28.070	Worker's compensation records
RCW 51.36.060	Physician information on injured workers
RCW 70.123.075	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
5 USC 552a	Federal Privacy Act