

CHELAN COUNTY DISTRICT COURT ACCESS TO ADMINISTRATIVE RECORDS

(1) PURPOSE:

Access to Administrative Records:

Consistent with the principles of open administration of justice as provided in article I, section 10 of the Washington State Constitution and General Rule (GR) 31.1, it is the policy of the Chelan County District Court to facilitate access to administrative records, which have been created or are being maintained by the court on and after the effective date of GR 31.1.

The purpose of the General Rule GR 31.1 is to provide the public with a regulatory mechanism for access to the records that relate to the management, supervision, or administration of a judicial entity, in this instance, Chelan County District Court.

Policy and Procedure:

The information contained in this Policy is designed to aid both those requesting public administrative records and those responding to records requests. The policy and procedures should assist in guiding expectations of Requestors and providing notice of an instrument by which to appeal a records decision, if necessary.

REFERENCE:

- Chapter 42.56 RCW, Public Records Act
- GR31, Access to Court Records
- GR31.1, Access to Administrative Records

(2) ORGANIZATIONS AFFECTED:

Chelan County District Court

(3) POLICY:

Chelan County District Court shall provide for inspection and copying of requested public administrative records as provided in this policy and procedure, unless such records are exempt from disclosure under GR22; GR31; Chapter 42.56 RCW; or other laws and rules under which disclosure is regulated. Chelan County District Court staff shall provide requested administrative records to the extent practicable.

(4) RESPONSIBILITY/AUTHORITY:

Public Records Officer:

The District Court Administrator is the Designated Public Records Office (PRO) for the Chelan County District Court. The PRO will oversee District court Compliance with the General Rule “Access to Administrative Records” (GR 31.1) and these procedures.

Any person requesting access to administrative records of Chelan County District Court, or seeking assistance in making such a request should contact the PRO for District Court:

Public Records Officer
Chelan County District Court
350 Orondo Ave, 4th Floor
Wenatchee, WA 98801
509.667.6392
Lea.Garner@co.chelan.wa.us
Facsimile: 509.667.6456

Information is also available at Chelan County District Court’s website at:

<http://www.co.chelan.wa.us/district-court>

The PRO will oversee compliance with the General Rules however other court staff may process the request. Therefore, these policies will refer to the PRO of “designee”. The PRO or designee and Chelan County District Court will provide the “fullest assistance” to requestors; ensure public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of District Court.

(5) AVAILABILITY OF ADMINISTRATIVE RECORDS

(a) Hours of inspection of records. Court administrative records are available for inspection and copying during normal business hours of District Court, Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays, or during exigent circumstances.

(b) Retention Schedule. District Court adopts the retention schedules as set forth in the Secretary of State, WA State Archives Local Government Common Records Retention Schedule (CORE) and the District and Municipal Courts Records Retention Schedule for administrative records. The records retention schedules are available at the Secretary of State's WA State Archives website at:

<http://www.sos.wa.gov/archives/RecordsManagement/Records-Retention-Schedules-for-District-and-Municipal-Courts.aspx> Administrative records which have been scheduled for destruction or which have been destroyed or deleted in accordance with the retention scheduled will not be available for disclosure.

(c) Organization of records. District Court will maintain its records in a reasonably organized manner. District Court will take reasonable actions to protect records from damage and disorganization. A requestor shall not take court administrative records from any office without the permission of the PRO or designee. Some records may be available on the District Court website at: <http://www.co.chelan.wa.us/district-court> Requestors are encouraged to view the documents available on the website prior to submitting a records request.

(d) Making a request for administrative records.

(i) Any person wishing to inspect or copy administrative records of Chelan County District Court should make the request in writing on the District Court's request form (attached and on our website) or by letter or fax, addressed to the PRO and including the following information. A copy of District Court Request Form is attached as Appendix 1.

- Name of requestor;
- Address of requestor;
- Other contact information, including telephone number and e-mail address;
- Identification of the administrative records adequate for the PRO or designee to locate the records; and
- The date and time of day of the request.

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 records, or a deposit. Photocopy charges or other charges described in this policy will be assessed and due at the

time of the receipt of the records. In the event the costs are deemed significant by the PRO or designee, the officer may require a deposit prior to fulfilling the request.

A form is available for use by requestors at District Court and online at <http://www.co.chelan.wa.us/district-court>

(6) PROCESSING OF ADMINISTRATIVE RECORDS REQUESTS – General.

(a) Acknowledge 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:

- (i) Acknowledge receipt of the request;
- (ii) Make the records available for inspection or copying;
- (iii) If copies are requested and payment for the copies is made, the copies will be made available to the requestor;
- (iv) Provide a reasonable estimate of when records will be available;
- (v) 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 or designee may revise the estimate of when records will be available; or
- (vi) Deny the request.

(b) Consequences of failure to respond. If District Court does not respond within five (5) business days of receipt of the request for disclosure, the requestor should consider contacting the PRO to determine the reason for the failure to respond.

(c) Protecting rights of others. In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the PRO may, prior to providing the records, give notice to such others whose rights may be affected by 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 disclosure. The notice to the affected persons will include a copy of the request.

(d) Records exempt from disclosure. Some records are exempt from disclosure, in whole or in part. If District Court believes that a record is exempt from disclosure and should be withheld, the PRO will state the specific exemption. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the PRO will redact the exempt portions, provide the non-exempt portions, and indicate to the requestor why portions of the records are being redacted.

(e) Inspection of records.

- (i)** Consistent with other demands, District Court shall promptly 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 agency to copy.
- (ii)** The requestor must claim or review the assembled records within thirty (30) days of notification to him/her that the records are available for inspection or copying. District Court will notify the requestor in writing of this requirement and inform the requestor that he/she should contact the PRO 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, District Court may close the request and re-file the assembled records.

(f) Providing copies of records. After inspection is complete, the PRO or designee shall make the requested copies or arrange for copying.

(g) Providing records in installments. When the request is for a large number of records, the PRO 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 or more of the installments, the PRO or designee may stop searching for the remaining records and close the request.

(h) Completion of inspection. When the inspection of the requested records is complete, and all requested copies have been provided, the PRO or designee will indicate that District Court has completed and closed the request.

- (i) 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 of final payment for the requested copies, the PRO will close the request and indicate to the requestor that the request is closed.

(j) Later discovered documents. If, after District Court has informed the requestor that it has provided all available records, District Court 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.

(k) Extraordinary Requests. If the request cannot be fulfilled within a reasonable time due to court restraints, the office of the PRO will communicate this information and attempt to reach an agreement with the requestor for a more manageable scope of request and time frame.

(l) Harassment, Intimidation, Threats of Security, or Criminal Activity: The Court has the right to deny a request if the court finds that the request was intended to do harm to court staff, employees, or any other person, or when fulfilling the request may assist criminal activity. The court may also deny any future requests by the same requestor or entities controlled in whole or part by the requestor.

(7) Exemptions.

(a) General Rule 31.1 and other court rules/statutes provide 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 those exemptions, outside GR 31.1, that restrict the availability of some documents held by District Court for inspection and copying.

(b) District Court is prohibited by General Rule and statute from disclosing lists of individuals for commercial purposes.

(8) COSTS OF PROVIDING COPIES OF COURT ADMINISTRATIVE RECORDS

A fee may not be charged to view administrative records. Copies of records will be made available at the following rates:

<u>FEE SCHEDULE*</u>	
Paper copy from electronic image	\$.25 per page
Paper copy from hard copy	\$.50 per page
CD (audio only)	\$20.00
Research	\$30.00/hr**
Certified copies	\$5.00 for the 1st page \$1.00 for each add'l page
Postage	Actual Cost
Misc. Fees	Actual Cost

**Fees are subject to change and are effective as of the revision date listed on this document.*

***Fees shall be assessed from the second hour of research onward. See GR 31.1(h)(4)*

(9) REVIEW OF DENIALS OF PUBLIC RECORDS

(a) Petition for internal administrative review of denial of access.

A requestor who objects to the initial denial or partial denial of a records request may submit a review of public records decision form in writing within ninety (90) calendar days after an initial rejection. The request for review must be submitted to District Court’s PRO and a copy to the presiding judge. The review proceedings shall be held within five (5) working days. If that is not reasonably possible, then within five (5) working days the review shall be scheduled and the requestor shall be notified.

(b) External review.

If a requestor is not content with the internal review decisions, the requestor may seek further review as outlined in GR 31.1(d)(4)(ii). A request for external review must be submitted within thirty (30) calendar days of the issuance of the court’s internal review decision.

Approved: _____
Presiding Judge Roy S. Fore

Date: _____

Approved: _____
Judge Kyle D. Mott

Date: _____