

# PUBLIC RECORDS DISCLOSURE

## FREQUENTLY ASKED QUESTIONS

### Q: What public records are exempt from disclosure?

A: In general, public records that are exempt from disclosure are referenced in RCW 42.56.230-280. Reference is made to these statutes on a case-by-case basis whether a particular record is exempt. When the District denies a request for disclosure, it must identify the specific statute exemption. Keep in mind that there are other statutes outside of public records laws that prohibit disclosure of some documents.

### Q: Is the District required to create a document when responding to a certain request for public disclosure?

A: No. Under the Freedom of Information Act, an agency is not required to create a document which is otherwise non-existent, or compile data from other records to make the information more useful to the requestor.

### Q: Can I get consumption records for a home I am interested in purchasing?

A.: Yes. However, we do have a waiver form that must be filled out and signed by both the customer on the account and a notary or witness. Customer records are considered exempt unless released by the customer. Your real estate agent may already have a form signed by the seller.

### Q: Does the District release my account and consumption information to law enforcement agencies?

A: Law enforcement agencies are required to provide the District with a statement or completed form indicating that they suspect a person of a crime, and that the records could help to determine whether the suspicion is true.

### Q: What about electronic records and email?

A: Electronic records and email are not a separate type of record, they are just in a different format. They are identified, filed and retained just like records in other formats, if they are part of official policies, actions, decisions and other normal District business functions.

### Q: How do I know what to ask for?

A: You must be very specific when asking for a release of public records. An index of District records is available for viewing.

This pamphlet is only a guide, please refer to RCW 42.56 for more information on the Public Records Act.



Attn: Public Records Officer  
2431 E. Highway 101  
P.O. Box 1090  
Port Angeles, WA 98362

Phone: 360-452-9771  
Fax: 360-452-9338  
E-mail: [info@clallampud.net](mailto:info@clallampud.net)



# PUBLIC RECORDS DISCLOSURE

General guidelines for requesting District records under the Public Records Act

Frequently asked questions



# Public Records Requests

## WHAT IS A PUBLIC RECORD?

According to RCW 42.56.010, a public record consists of “...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.”

Since the PUD is considered a local government agency, we are required to follow the State Public Records Act’s guidelines for public disclosure. All the records maintained by the PUD are available for inspection unless specifically exempted by law. You are entitled to access public records, and to copies of those records upon paying the cost of copying. In most cases you do not have to give a reason for wanting to inspect or copy records.



Specific information is needed to process your request. General questions or questions that are not specific can be denied. Please make sure you know exactly what you need before filling out a request form.

The PUD is not required to compile data for you, nor create a document that was not in existence at the time of the request.

For information on which records are exempt, refer to RCW 42.56.230 - 480. There are also many other exemptions in statutes that are relevant to local government agencies. We commonly consult with our attorneys in determining which records can be released under certain circumstances.

## SUBMITTING A REQUEST

Records request forms are available online or from any of the PUD’s district offices: Port Angeles, Sequim, Forks or Sekiu. The form must be signed and either returned in person to a PUD district office, faxed or mailed. You may make a request by email or in another written format that includes the following information:

Date of request, name, address, phone, email address, and a complete description or title of requested records. Indicate whether you’d like to inspect the records or have them copied.



Lists of individuals cannot be used for commercial purposes or a profit - oriented venture, as described in RCW 42.56.070(9).

## RESPONSE TO A REQUEST

The PUD is required by the Public Records Act to respond to a request within 5 working days after receiving the request in one or more of the following ways:

- Make the records available for inspection or copying
- If payment has been made, send the copies to the requestor
- Provide a reasonable estimate of when the records will be available
- If the request is unclear, request clarification from the requestor, or
- Deny the request, stating exemptions or reasons

## INSPECTION OF RECORDS

The PUD is required to provide the requested records for either inspection or copying, while the requestor is obligated to either claim or view the records within a 30-day period. After 30 days the PUD can consider the request to be closed and re-file the records. The requested records can then be destroyed in accordance with the PUD’s retention schedule rather than be held for inspection (RCW 42.56.100). If a request is closed and the requestor makes another request for the same or almost identical records, the new request will be filled after other pending requests.

Times for inspection are limited to the PUD’s normal business hours, 8:00 AM to 5:00 PM, Monday through Friday. The inspection of records cannot create “excessive interference” with the other essential functions of the PUD (RCW 42.56.100). Similarly, the copying of records cannot “unreasonably disrupt” the daily operations of the PUD (RCW 42.56.080). There is no fee for inspecting records.

## COPYING OF RECORDS

### BASIC FEE SCHEDULE

**5 pages or less - No charge\***

**6 or more pages - \$.15 per page\***

**Fees by outside sources - actual charges**

**Mailing supplies/postage - actual costs**

**A deposit may be required on large copying requests**

**\* Additional fees may be charged by a department if it has determined specific charges for a particular record (example - large format drawings).**