

SPOKANE VALLEY FIRE DEPARTMENT
Board of Fire Commissioners
Policy for Records #019

Authority:

CBA

Resolution Number 96-96

Ch. 13.50 RCW

RCW 26.09.225

Ch. 40.24 RCW

Ch. 42.56 RCW

RCW 43.43.830-.840

Ch 49.17 RCW

RCW 51.16.070

RCW 51.48.040

RCW 51.28.070

Title 70 RCW

Juvenile Justice

Domestic Relations

Address Confidentiality for Victims of

Domestic Violence

Public Records Act

Background Checks

Washington Industrial Safety & Health Act

Industrial Insurance

Industrial Insurance

Industrial Insurance

Health Care Information Act

Ch. 70.24 RCW

Ch. 71.34 RCW

42 USC Sec. 12101 et. seq

29 USC Sec. 657 et. seq.

42 USC Sec. 290dd-2

Sexually Transmitted Diseases

Behavioral Health Services for Minors

Americans with Disabilities Act

Occupational Safety and Health Act

Federal Law on Substance Abuse Records

1. Policy. This policy and procedure shall apply to members of the public and to all District personnel including officers, paid and volunteer employees, and independent contractors who are retained by the District and Commissioners.

To ensure the protection of the District records and to prevent the improper disclosure of records, no District personnel shall have access to District records, without the approval of the District public records officer, unless their regular job duties require access.

The procedures set forth herein shall be used when the District receives a public record request.

2. Public Record. Public records of Spokane Valley Fire District include any writing containing information relating to the conduct or performance of any governmental or proprietary function prepared, owned, used or retained by the District, regardless of physical form or characteristics.

3. Availability of Public Records. The District shall provide records requested by the public as provided in this policy and RCW 42.56, unless such record(s) is exempt from disclosure under RCW 42.56 or other law under which disclosure is regulated.

4. Physical Location of Records. The District's public records shall be maintained at the District headquarters station, presently located at 2120 N. Wilbur, Spokane Valley, WA 99206.

5. Hours for Inspection and Copying. Public records are generally available for inspection and copying during the normal office hours of the District which are from 7:30 a.m. to noon and 1:00 p.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

6. Requests for Public Records. In accordance with the provisions of Chapter 42.56 RCW, public records may be inspected and copied, or copies obtained by members of the public as follows:

6.1. Requests may be submitted in writing on the District's request form at the District's headquarters station, by email, by regular mail, or fax to the public records officer:

Public Records Officer
Spokane Valley Fire District
2120 N. Wilbur
Spokane Valley, WA 99206
inspections@spokanevalleyfire.com
Fax: 509-892-4127

The District's public records request form may be obtained at:
<https://www.spokanevalleyfire.org/wp-content/uploads/2020/07/Request-for-Public-Records-Form-Updated.pdf>

6.2. All requests must include the following information:

1. Name of requester;
2. Date of request;
3. Phone, email, and/or address or other contact information of the requester;
4. Identification of the public records adequate for the public records officer or designee to locate the records (title and date, if known).

6.3. If the requested record is or contains a list of individuals, the District may request the requestor execute a declaration that the information obtained will not be used for commercial purposes, in accordance with RCW 42.56.070(8).

6.4. A requester is not typically required to state the purpose of the request. However, in instances where additional information is required by law or to clarify or prioritize a request and provide responsive records, the public records officer or designee may inquire about the nature or scope of the request.

7. Duties of Public Records Officer. The Public Records Officer of the District shall be the Fire Chief or his or her designee, or the Secretary to the Board of Fire Commissioners. The Public Records Officer will oversee compliance with the Public Records Act and these procedures. The Public Records Officer may delegate the responsibilities of processing requests to other staff.

7.1. The Public Records Officer or designee shall review the request form and shall review the requested record(s) to determine the nature of the information contained in the record(s) and to determine whether or not the release of the requested record, in whole or in part, is exempt from public inspection under Chapter 42.56 RCW or any other applicable exemption.

7.2. If the record requested is classified as a Medical Record, the Public Records Officer or designee shall determine whether the patient has authorized disclosure of the Medical Record pursuant to RCW 70.02.030. In the absence of the patient authorization, the Public Records Officer or designee shall determine whether the requester is an authorized recipient of the record as defined in RCW 70.02.050.

7.3. If the record is not exempt from disclosure, in whole or in part, the Public Records Officer shall permit inspection and/or copying of the record. If the record contains both exempt and non-exempt information, the Public Records Officer or designee shall redact all exempt information in accordance with RCW 42.56.520 and Section 8 of this Policy and release, or permit copying of the record.

8. Response to Request for Records. The Public Records Officer or designee, within five business days after receipt of the request (within fifteen business days of a patient's request for the patient's medical records) shall take one of the following actions:

1. Make the records available; or
2. Identify an internet location where the record can be accessed. Requesters who cannot access the internet may be provided hard copies to access; or
3. Acknowledge receipt of the request and provide a reasonable estimate of when the records will be available in accordance with Section 7.1, herein; or
4. If the request is unclear, acknowledge receipt of the request, ask the requester to provide clarification and provide a reasonable estimate of when records will be available. If the requester fails to clarify the request the Public Records Officer or designee shall provide no further response; or
5. Deny the request.

8.1. In the event the Public Records Officer or designee determines that a full response will take longer than five business days after receipt of the request the Public Records Officer or designee shall acknowledge receipt of the request and provide a reasonable estimate of when the District will respond. The determination of the time required to respond to the request will be based on a consideration of one or more of the following factors:

1. Clarity of the request;
 2. Time required to locate and assemble the information requested;
 3. Time required to notify third persons or agencies affected by the request;
 4. Time required to determine whether any of the information requested is exempt; and/or
 5. Time required to obtain the consent of a person identified in the record if consent is required by statute.
 - 6.
- 8.2. All denials of requests for public records and all redactions of identifying details shall be accompanied by a written statement specifying the reason for the denial or redactions, including a statement of the specific statutory exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record. See RCW 42.56.
- 8.3. Denials of a patient's request for the patient's medical records shall comply with the requirements specified in RCW 70.02.090.
- 8.4. When the request is for a large number of records or when a portion of responsive records is more readily available than others, the Public Records Officer or designee may provide records in installments.
- 8.5. The District's response shall be deemed complete upon the requester's inspection of the records, or upon notification of copies of all the requested records are available for payment and pick up, or upon notification that all records have been provided, or upon notification that no responsive records were located.
- 8.6. When the requester withdraws the request, fails to fulfill the obligation to inspect, or fails to pay the required amount due for requested copies, the Public Records Officer or designee will close the request.
- 8.7. After the District has closed the request, if the District becomes aware of additional responsive records existing at the time of the request, it will promptly inform the requester of the additional records and provide them as soon as possible. A public records request is not continuing in nature. If a requester desires additional records created or obtained by the District after the date of the original request, the requester must submit a new request.
- 8.8. The District is not obligated to create new records to satisfy a records request; however, the District may, at its discretion, create such new records to fulfill the request where the District deems that method of response to be more expedient.

9. Review of Denials.

- 9.1. Any person who objects to the denial of a request to inspect or copy a record, in whole or in part, may petition for a prompt review of the decision by submitting a written request for review. The petition must include a copy of or shall reasonably identify the written statement by the Public Records Officer or designee denying the request. The Public Records Officer will immediately consider the petition and either affirm or

reverse the denial within two business days following the Public Records Officer's receipt of the petition, or within such time as the District and the requester mutually agree. RCW 42.56.520.

9.2. In the event the request for the record or information from the record is made by an elected or appointed official of the District, the information is deemed to be needed for the proper performance of the official's duties and consent to the release of the information cannot be obtained, the official shall be required to sign a confidentiality agreement before being allowed access to the requested information.

9.3. Administrative remedies shall not be considered exhausted until the District has returned the request with the decision or until a period of two business days has elapsed after the denial of the request.

10. Fees. Except as provided herein, no fee shall be charged for the inspection of public records. The following charges shall be imposed to reimburse the district for costs incurred in providing public records.

10.1. General Records. With the exception of incident reports, the District shall charge a fee of \$0.15 per page for each copy of a District record.

10.2. Fire Incident Reports. In accordance with Chapter 70.02 RCW the District shall charge a clerical fee for searching and handling requests for fire incident reports in an amount not to exceed \$16.00 for each report.

10.3. Medical Incident Reports. In accordance with Chapter 70.02 RCW the District shall charge a clerical fee for searching and handling requests for medical incident reports in an amount not to exceed \$16.00 for each report.

In the event the District is requested to mail copies an additional charge in the amount of the actual or estimated postage and the cost of the container shall be made.

11. Records Index. The District may not maintain a complete current index which provides identifying information as to all of the records maintained by the District and, due to staffing and resource levels, the creation of a complete index would be unduly burdensome to the District.

12. Liability. Neither the District nor any officer, employee, official, or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon a release of public records if the person releasing the records acted in good faith in attempting to comply with this policy and applicable law. 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 District beyond those imposed by state and federal law.

Adopted:
Spokane Valley Board of Fire Commissioners:
October 2, 1996

Amended:
Spokane Valley Board of Fire Commissioners:
February 8, 2021