

# Skagit Transit Public Records Act Policy and Procedures

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SKAGIT TRANSIT | 600 County Shop Lane, Burlington, WA 98233

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# Terms and Definitions

## 1. Incorporation of Definitions

This policy incorporates the definitions in [RCW 42.56.010](#) and any other relevant definitions.

## 2. Additional Definitions

- a) “Act” refers to the Public Records Act, at [Chapter 42.56 RCW](#).
- b) “Agency” refers to Skagit Transit.
- c) “Bot Request” means a request for Public Records that the Agency reasonably believes was automatically generated by a computer program or script.
- d) “Exemption” refers to any statute that allows or requires the Agency to withhold information or records in response to a PRA request.
- e) “Identifiable Record” refers to a record that is in existence at the time the records request is made and that staff can reasonably locate.
- f) “Indices” is the plural of index, meaning an alphabetical list of names or subjects.
- g) “Metadata” refers to a set of data that describes and gives information about other data.
- h) “Policy” refers to this policy for the Public Records Act.
- i) “Public Record” means 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. Records created or received by employees using privately owned devices only qualify as Public Records if the employee was acting within the scope of employment when the record was created or received, or when the record is subsequently used for Agency purposes.
- j) “Public Records Officer” or PRO is the person or position responsible for the Public Records of the agency and the one who responds to all Public Records Requests.
- k) “PRA Request” means a request for Public Records made to the Agency pursuant to the Act.
- l) “Redact” refers to the method of protecting from public viewing a portion of a record that is statutorily exempt from public disclosure.
- m) “Requestor” means the person or entity that has made a Records Request to the Agency.
- n) “Responsive Record” refers to a record that is in existence at the time the records request is made *and* is relevant to the request.
- o) “Withholding” means non-disclosure of exempt records, either all or in part.

## Purpose and Scope

### 1. Purpose

Skagit Transit (or “the Agency”), as a public entity in the state of Washington, is required by the Public Records Act (“PRA” or the “Act”), [Chapter 42.56 RCW](#), to adopt and enforce reasonable rules and regulations to provide full public access to Public Records. This policy complies with the requirements of the PRA by providing straightforward, predictable practices for responding to and fulfilling requests for disclosure of Public Records in a manner consistent with the PRA.

### 2. Scope

This policy includes both statutory requirements and best practices. Except where these provisions are mandated by statute, any duties identified in this policy are discretionary and advisory only and shall not impose any affirmative duty on the agency. Skagit Transit reserves the right to apply, interpret, modify, or suspend this policy at any time.

This policy shall be available at the Skagit Transit business office and posted on the Agency’s website.

## Policy

1. The Agency shall make available for inspection and copying all nonexempt public records in accordance with the Washington State Public Records Act.
2. The Agency shall provide the fullest assistance to Requestors; shall ensure that public records are protected from damage or disorganization; and shall ensure, through staffing or other means, that fulfilling public records requests will not cause excessive interference with essential functions of the Agency.

# Procedures

## 1. Public Records Request

- a) Public Records Officer – The Clerk of the Board of Skagit Transit shall serve as the Public Records Officer (“PRO”) of Skagit Transit. In the absence of the Clerk of the Board, the Finance/Accounting Manager shall serve as PRO. All requests must be facilitated by the PRO unless the PRO has delegated the request to a designated staff member. In such event, the designated staff member shall have undergone PRA training as required by statute and shall review the request response and any responsive documents with the PRO prior to issuance. Individuals may submit a PRA requests (“Requestors”) by contacting the PRO, via first class mail addressed to the PRO at the Skagit Transit Business Office (600 County Shop Lane, Burlington, WA 98233), by phone at (360) 757-8801, or via email at [pio@skagittransit.org](mailto:pio@skagittransit.org).
- b) The Public Records Officer shall:
  - i. Be responsible for implementing the Agency’s process regarding disclosure of Public Records;
  - ii. Serve as the principal point of contact with any Requestor who has made a records request to the Agency, unless the PRO has designated these responsibilities to a designated staff member;
  - iii. Coordinate Agency staff in this regard, generally ensuring the compliance of the staff with Public Records disclosure requirements;
  - iv. Make the final decision regarding a PRA response in cooperation with a legal advisor regarding disclosure and application of exemptions;
  - v. Maintain the agency’s indices, if any;
  - vi. Maintain a log of Public Records Requests; and
  - vii. Undergo training required of Public Records Officers by Washington state law. ([RCW 42.56.152](#))

## 2. How to Make a Request

- a) Public Records may be inspected, or copies of Public Records may be obtained by the public at the Skagit Transit Business office upon compliance with the following procedures:
  - i. All requests must be facilitated by the PRO. The Agency encourages that all requests be made via the official form on the Skagit Transit Website and emailed to the PRO. Any in-person request must be made during regular business hours. The request must include the following information:
    - 1) The Requestor’s name, address, and contact information such as a valid email address or phone number;
    - 2) The date the request was made;
    - 3) A description of the Public Record Requested that includes sufficient details to allow the Agency to identify responsive records;
    - 4) The desired method of delivery for the records. This can include inspection in person, emailed documents, and/or delivery of paper

records or electronic media devices mailed to the Requestor or picked up in person.

- ii. The Washington Courts have recognized that oral requests for Public Records can be problematic and therefore Requestors are strongly encouraged to make written requests via the official form on the Agency's website. When a records request is made orally, the PRO shall document the request by filling out the form on the Requestor's behalf. If an email address is provided, confirmation of the request will be sent to the Requestor. Any oral request must be made during regular business hours.
- iii. It is the Requestor's obligation to provide the Agency with fair notice that a PRA request has been made.
- iv. Many records are already available on Skagit Transit's website at: [www.skagittransit.org](http://www.skagittransit.org). Requestors are encouraged to view the documents available online prior to submitting a Public Records Request.

### 3. Procedure for Response to Request

- a) **Initial Five-Day Response.** The Agency shall respond promptly to PRA requests. Within five (5) business days of receiving a Records Request, the Agency shall acknowledge receipt of the request and take one or more of the following actions:
  - i. Provide the records or provide notice that the records are available. If the record(s) requested is available on the Agency's website, the response may include a specific link to the document;
  - ii. Seek clarification or refinement of the request if needed to identify the record requested and provide to the greatest extent possible a reasonable estimate of the time the Agency will require to respond to the request if the request is not clarified. When clarification or refinement is sought, and the entire request is unclear, the Agency may determine the Request to be abandoned if clarification from the Requestor is not received within thirty (30) days. If only part of the request is unclear, the Agency will fulfill the portion of the request that is clear;
  - iii. Indicate that the Agency does not have any responsive records;
  - iv. Indicate that all or some of the responsive records are exempt in whole or in part from disclosure and provide an exemption log of records withheld in their entirety and/or redacted copies of responsive records. In the case of redacted documents, the statutory basis for redactions shall be included either on the face of the document or in a separate exemption log;
  - v. Provide a reasonable estimate of when the request can be fulfilled. For large requests that may be filled in installments, the response will also indicate when the first installment will be made. Not all large requests will be made in installments. It is up to the reasonable discretion of the PRO whether or not to provide installments of the requested records. When providing a reasonable estimate of time required to fulfill a Public Records Request, the PRO may take into account the time required to refine or clarify a request, locate or retrieve records, redact or withhold exempt records and create associated documentation, consult with appropriate staff or legal advisors regarding potential exemptions, and notify third parties or other agencies of requests for

- records of a sensitive nature consistent with the provisions of [RCW 42.56.540](#);  
or  
vi. Deny the request, if authorized by the PRA.

**Note that in calculating five (5) business days, the following are not counted: The day the agency receives the request, and Saturdays, Sundays, and holidays that the agency's administrative office is closed.**

For example, a request received on Friday, June 30<sup>th</sup>, 2023, will receive an initial response by Monday, July 10<sup>th</sup>, 2023 due to the weekends and holidays between the two dates creating only five (5) business days.

- b) **Large Requests.** When receiving a request that appears to be overly broad in nature, the PRO may request clarification from the Requestor to ensure that the appropriate records are identified and to determine if the request can be narrowed. Clarification shall focus on the information needed to identify responsive records. Any information provided about the purpose of the request shall not be used as a basis for denying the request.

When appropriate, as part of the clarification process, the PRO may work with the Requestor to find ways to narrow the request.

When a records request is for a large volume of records, the Agency may elect to provide records on an installment basis. Installments are not guaranteed, and it is at the reasonable discretion of the PRO whether to provide the records in installments. If a Requestor does not review, claim, or pay for the records within thirty (30) days of being made available, the Agency may deem the request abandoned and stop fulfilling the remainder of the request. See Section 7(e) of this policy.

- c) **Requests for "All Records."** A Public Records Request must be for identifiable records. A request for all or substantially all Agency records is overly broad and is not a valid request for identifiable records.
- d) **Requests for List of Names.** The PRA prohibits the Agency from producing a list of names to a Requestor who intends to use the list for commercial purposes. When a Requestor requests a list of names, the Requestor must explain the intended use of the list and will be asked to sign a declaration providing that the list will not be used for commercial purposes.
- e) **Bot Requests.** The Agency may deny a Bot Request that is one of multiple requests from the Requestor to the Agency within a twenty-four (24) hour period if it is established that responding to the request would cause excessive interference with other essential functions.
- f) **Multiple Requests by the same party.** When the same Requestor simultaneously submits separate requests or makes one or more additional requests when previous ones are open, staff may queue the requests in the order in which they are received. Staff is not required to work on additional requests until the initial requests are completed and closed; however, an initial response will be issued in keeping with the statute with an estimate for production of the requested documents. Requestors are

responsible for informing the PRO if they would like to reprioritize the fulfillment of their requests.

- g) **Notice to Third Parties.** If a Public Record contains personal information that identifies an individual or organization, the Agency may notify that individual or organization to allow the third party to seek relief pursuant to [RCW 42.56.540](#). If the Agency intends on issuing notice, pursuant to [RCW 42.56.540](#), the Agency's legal counsel will be consulted. The Agency may take this into account when providing an estimate for when the records will be available. The Agency should also review any contracts with third parties that may contain special notice provisions. Nothing in this policy is intended to create any right to such notice.

If a request seeks information located exclusively in an employee's personnel, payroll, supervisor, or training file, the Agency must provide notice to the employee, to any union representing the employee, and to the Requestor. The notice must state:

- i. The date of the request;
- ii. The nature of the requested record relating to the employee;
- iii. That the Agency will release any information in the record not exempt from disclosure at least ten (10) days from the date the notice is made; and
- iv. That the employee may seek to enjoin release of the records under [RCW 42.56.540](#).

- h) **Creating Records.** A PRA Request only applies to records that exist at the time of the request. The PRA does not apply to requests for information or require the Agency to create a new record. If a public record is created after a request is received, it is not responsive to the request and will not be provided. Requestors cannot make a "standing" PRA request in order to obtain future responsive records. A new records request will need to be submitted for later-created public records.

A request for information, contained in electronic databases, may be considered a valid request for records, if the information can be reasonably extracted to produce a record that is fully or partially responsive to the request.

- i) **Later Discovered Documents.** If, after the PRO has informed the Requestor that they have provided all available records, the PRO becomes aware of additional responsive documents existing at the time of the request that had not been provided previously, they will promptly notify the Requestor of the additional documents and provide them on an expedited basis even if the request has been closed.
- j) **Requests for Metadata.** Occasionally, a PRA request will specifically include a request for metadata associated with Public Records. In such case, the PRO and staff shall work with Agency IT to identify, gather, and produce the requested metadata.
- k) **Prevention of Excessive Interference with Essential Agency Functions.** To prevent excessive interference with other essential functions of Skagit Transit, and to allow the Public Records Officer and other designated Skagit Transit staff members to perform



their other assigned duties, the Public Records Officer will spend a maximum of 20 hours per month responding to public records requests. Any staff member assisting the Public Records Officer will spend a maximum of 8 hours per month responding to or assisting with responses to public records requests, unless current departmental workload allows for more time to be allocated to Public Records Requests.

#### 4. Agency Actions After a Request is Received

- a) **Order of Response.** Fulfillment of requests shall be processed in the order that provides the timeliest response. Requests may be fulfilled in the order of receipt as long as easily fulfilled requests are not postponed behind larger or more complicated requests strictly because they were received later.
- b) **Locating Responsive Records.** After receiving a request, the PRO shall identify locations and Agency departments where records are reasonably likely to be located. The PRO will then notify the appropriate department heads and other Agency staff of the request and inform them of the need to retain all potentially responsive records. The PRO will then coordinate with the department heads and other Agency staff to respond to the request, as needed.

Agency staff and officials will be prompt in searching for responsive records and providing them to the PRO in accordance with the timeline established by the PRO and providing documentation of their search efforts. If Agency employees or officials are using home computers, personal devices, or personal accounts to conduct Agency business, those devices and accounts also need to be searched by the employees or officials who are using them when those devices and accounts are reasonably likely to contain responsive records. If the Agency's contractors performing Agency work have responsive Public Records as a consequence of the contract, they should also be notified of the records request. If department heads or other staff cannot provide the records by the date established by the PRO, a reasonable estimate of how long it will take to provide the records must be provided so that the PRO can appropriately update the Requestor.

- c) **Identifying Potentially Exempt Records.** The PRO is responsible for identifying records that are potentially exempt or contain potentially exempt information for all departments. The PRO or department designee shall work with a legal advisor to determine if any exemption applies and to ensure accurate citation to the applicable exemption in the response.

#### 5. Exemptions

- a) **Exemptions.** The PRA and other statutes exempt from or prohibit disclosure of certain Public Records. It is the policy of the Agency to provide prompt and helpful access to all Public Records in the Agency's custody that are not exempt or prohibited from disclosure. Requested records may only be withheld or redacted consistent with the law, which shall be documented for the Requestor in accordance with the requirements of [RCW 42.56.210](#).

Some Public Records that are otherwise subject to disclosure may contain specific content that is exempt from disclosure. The presence of exempt information does not necessarily exempt an entire record from disclosure. Exempt portions of an otherwise disclosable record shall be redacted prior to inspection or copying, and such redactions shall be documented. The Requestor shall be notified of the redaction in accordance with the requirements of [RCW 42.56.210](#).

Appendix A contains a list of common statutory exemptions and prohibitions that are not included in [RCW Chapter 42.56](#). However, note that this list is not exhaustive. Any questions about exemptions should be directed to the PRA and/or the Agency's legal counsel. Skagit Transit reserves the right to assert any exemptions permitted by law when the Agency determines non-disclosure serves the public interest and is not limited to the exemptions listed in Appendix A.

- b) **Withholding Logs and Redaction Logs.** When records are withheld or redacted, the Requestor shall be informed in writing the statutory citation for the exemption and a brief explanation of how the exemption applies. For withheld records, the Agency will also provide basic identifying information for each withheld record including the type of record, the date the record was created, the author, and recipients, if any.

## 6. Charges for Copying Public Records *(See Appendix B for Skagit Transit Fee Schedule)*

- a) **Fees.** The fees set forth in this section are default fees set pursuant to [RCW 42.56.120](#). The Agency finds that calculating the actual cost of providing Public Records would be unduly burdensome given the limited staff resources and funding to dedicate to a comprehensive study to determine actual copying costs and that conducting such a study would interfere with the Agency's other essential agency functions.
  - i. No fee shall be charged for the inspection of Public Records at the Skagit Transit Business Office.
  - ii. No fee shall be charged for a records request that would not exceed a total cost of \$1.00.
  - iii. Sales tax will not be charged for copying or digital delivery. Exceptions apply. See Appendix B, section 8.
- b) **Copies.** A customized service charge is the Agency estimate that the request would require the use of information technology expertise to prepare data compilations or provide customized electronic access services when such compilations or customized access services are not used for any other Agency purposes. The Agency may charge the Requestor the customized service fees required to compile the records.
- c) **Deposits.** Before copying any record, the Agency may require a deposit up to 10% of the estimated costs. When records are being produced on an installment basis, the Agency may charge for each installment. The decision not to request a deposit shall not serve to waive the Agency's right to request a deposit for future requests. If an installment is not claimed and paid for within thirty (30) days of having been notified

the records are available or if the Requestor has not contacted the PRO within this thirty (30) day period to make arrangements to pay for the records outside of this thirty (30) day period, the Agency is not obligated to fulfill the balance of the records request and may close the request.

- d) **Copies of Electronic Records.** Records available in electronic format that do not require redaction may be provided in native format unless the Requestor specifically asks that they be provided in paper or other form. Electronic records that require redaction usually cannot be produced in a native format and will be converted to paper or PDF. When requested and deemed feasible, electronic records may be converted from one format to another provided such conversion is not unduly burdensome.
- e) **Paper records provided electronically.** Paper records that are specifically requested to be provided electronically are subject to processing fees in accordance with the Fee Schedule.

## 7. Providing Copies or Inspection of Records

- a) **Notice.** Once the PRO has collected all responsive records (or the first installment if the records are being produced on an installment basis), has reviewed the responsive records to remove exempt records and/or to redact exempt information, and has prepared an exemption log and/or redacted documents with cited exemptions, the PRO shall notify the Requestor that the records are available.
- b) **Response by Requestor.** If the Requestor does not contact the PRO to arrange for payment of the copies or for review of the records within thirty (30) days after the date of the notice, the Agency may consider the Records Request abandoned and close the request, unless the Requestor seeks an additional amount of time within thirty (30) days to review the records. See Section 7(e) (Closing the File).
- c) **Protection of Records.** In order for Public Records to be protected from damage or disorganization as required by the Act, the following procedures and practices are hereby instituted:
  - i. No Public Records shall be removed from the Skagit Transit Business Office without the PRO's permission;
  - ii. Inspection of any Public Records shall be conducted in the presence of the PRO or designated staff;
  - iii. 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;
  - iv. 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 Agency staff; and
  - v. Public Records of the Agency may be copied only on the copying machines of the Agency unless other arrangements are made by the PRO.

- vi. Requestors shall not be permitted to access or “plug into” Agency networks or systems or copy records using personal devices or equipment, such as USBs or scanners which must be connected to Agency equipment in order to copy records.
- d) **Loss of Right to Inspect.** Inspection shall be denied and the records withdrawn by the PRO if the Requestor, when reviewing records, acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of the Agency.
- e) **Closing the File.** Once all copies of requested records have been provided to the Requestor, the Requestor has inspected the records, or thirty (30) days have passed since the Requestor was notified that the records were available and the Requestor has failed to claim, review, or pay for the records, the PRO shall close the request. Upon closing the request, the PRO shall provide a closing letter stating the scope of the request and memorializing the outcome of the request. A template of this letter can be found in appendix C.

## 8. Administrative Review of Denial

- a) **Review Process.** A Requestor may ask for review of a decision to withhold or redact exempt records by submitting a written petition to the PRO that includes a copy of the redaction or exemption log or detailed description of the Agency’s statement of withholding. The request for review and any relevant information shall be forwarded to the Agency’s legal counsel, who shall consider the petition and either reverse or affirm the denial within ten (10) business days of the Agency’s receipt of the petition.

The Agency and the Requestor may mutually agree to a longer period of time for consideration of a petition for review. If the withholding or redaction is affirmed, the decision shall be considered the Agency’s final action for the purposes of judicial review. If the decision to withhold or redact is reversed, the PRO shall proceed to make the subject record(s) available to the Requestor for inspection in accordance with the provisions of this policy and procedure.

## 9. Maintenance of Public Records

- a) **Retention of Public Records.** The Agency is not required to retain all records it creates or uses. The State Attorney General’s Local Records Committee approves a general retention schedule for local agency records that are common for most agencies. Individual agencies may seek approval from the Local Records Committee for retention schedules specific to their agency or that, due to their particular business needs, must be kept longer than provided in the general schedule. The retention schedules for local and state agencies are available at [state-government-general-records-retention-schedule-v.6.2-\(august-2021\).pdf](https://www.wa.gov/state-government-general-records-retention-schedule-v.6.2-(august-2021).pdf) ([wa.gov](https://www.wa.gov))

Retention schedules vary based on the content of the record.

- b) **Preserving requested records.** If a requested record is scheduled shortly for destruction under the Agency's records retention schedule, the record cannot be destroyed until the public disclosure request has been resolved. Once a request has been closed, the Public Records Officer can destroy the record in accordance with the retention schedule.
- c) **Index of Public Records.** Skagit Transit finds that it would be unduly burdensome and would interfere with Agency operations to maintain an index of records. The Agency will make available for public all indices which may at a future time be developed for Agency use.

## 10. Disclaimer of Liability

Neither the Agency nor any employee or official 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.

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 Agency beyond those imposed by state and federal law.

## Appendix A – Common Exemptions and Statutes

This is a list of common exemptions that may apply to this agency. **This is not a complete or comprehensive list of exemptions.** Determination of what is or is not an exempt record shall be at the discretion of the Public Records Officer with guidance from the [RCW](#), the [Washington State Attorney General's Office](#), and/or the Agency's legal counsel.

Exemption	Details	RCW
Attorney Work Product and Attorney-Client Privileged Communications	An attorney's work product is exempt under RCW 42.56.290 and attorney-client privileged communications are exempt under RCW 5.60.060(2)(a) (considered an "other statute" that exempts or prohibits disclosure (RCW 42.56.070(1)).	<a href="#">RCW 42.56.290</a> <a href="#">RCW 5.60.060(2)(a)</a> <a href="#">RCW 42.56.070(1)</a>
Drafts	Preliminary drafts, notes, recommendations, and intra-agency memorandums expressing opinions or formulating policies are exempt under RCW 42.56.280. The exemption goes away once the record is publicly cited by an agency in connection with a given action.	<a href="#">RCW 42.56.280</a>
Employee Hiring	The following information is exempt in the employee hiring context (RCW 42.56.250): -Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination. -Applications for public employment, including applicant names, resumes, and other related materials submitted. (However, this exemption does not apply to applications for vacancies in elective office.) -Background checks and pre-employment polygraphs are included within the meaning of "other materials submitted with respect to an applicant."	<a href="#">RCW 42.56.250</a>
Employee/Official Personal Information	-Private personal information about employees, appointees, or elected officials stored in public agency files is exempt (RCW 42.56.230(3)). A person's right to privacy is invaded or violated if a disclosure would: (1) be highly offensive to a reasonable person; and (2) is not of legitimate concern to the public (RCW 42.56.050). This includes certain performance reviews. -The following employee and volunteer information held by the agency in personnel records, public employment-related records, volunteer records, or agency mailing lists is exempt: residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, driver's license numbers, identicard numbers, payroll deductions including the amount and identification of the deduction, and emergency contact information (RCW 42.56.250(1)(d)). -Photographs and month and year of birth in the personnel files (RCW 42.56.250(1)(h)). Any employee's name and other personally identifying information if they or a dependent are survivors of domestic violence, sexual assault, sexual abuse, stalking, or harassment, or if they participate in the address confidential program under chapter 40.24 RCW (RCW 42.56.250(1)(i)).	<a href="#">RCW 42.56.230(3)</a> <a href="#">RCW 42.56.050</a> <a href="#">RCW 42.56.250(1)(d)</a> <a href="#">RCW 42.56.250(1)(h)</a> <a href="#">RCW 5.68.010(5)</a> <a href="#">RCW 42.56.250(1)(i)</a>
Financial Account Numbers	RCW 42.56.230(5) exempts credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial information, including social security numbers, as defined in RCW 9.35.005. "Other financial information" includes account numbers and balances, transaction information, codes, passwords, and other information held for account access or transaction initiation.	<a href="#">RCW 42.56.230(5)</a> <a href="#">RCW 9.35.005</a>
Real Estate Transactions	The following real estate-related records are exempt, but only until all properties that are part of the record have been purchased, sold, or leased or the project is abandoned (RCW 42.56.260): -Real estate appraisals made for or by an agency for purposes of acquiring or selling property (except no appraisal may be withheld for more than three years after creation).	<a href="#">RCW 42.56.260</a>

	-Documents prepared for the purpose of considering the selection of a site or the acquisition of real estate by purchase or lease, or for the purpose of considering the minimum price of real estate that will be offered for sale or lease, when public knowledge would cause a likelihood of increased prices.	
"Commercial Purposes" Prohibitions	<p>Public agencies do not have the authority to sell or provide access to lists of individuals requested for commercial purposes (RCW 42.56.070(8)). Agencies are specifically authorized to require requesters to provide information as to the purpose of the request to establish whether release would be a violation of this prohibition (RCW 42.56.080(2)). Agencies have an affirmative obligation to investigate how a requester intends to use the information. A declaration promising not to use the list for a commercial purpose is not sufficient.</p> <p>This prohibition is limited to actual "lists." It does not apply to collections of documents from which the requester could create their own list. It also only applies to "individuals." Business entities or vendors are not considered "individuals." Lists of other information that happen to have a person's name associated with the entry are not considered a "list of individuals" unless the document can be sorted by name. See AGO 2019 No. 3.</p> <p>Commercial purpose" is defined as a business activity by any form of business enterprise intended to generate revenue or financial benefit. See this sample Commercial Purpose Declaration Affidavit Template (2019), developed by the Washington Attorney General's Office, which walks through multiple ways a requester might intend to generate revenue from the list.</p>	<a href="#">RCW 42.56.070(8)</a> <a href="#">RCW 42.56.080(2)</a>

## Appendix B – Skagit Transit Public Records Fee Schedule

*Fee Schedule shall only apply to requests received after the signed approval date of this policy.*

1. Fees for copies and scanning of public records requests shall be charged according to the fee schedule below. Payment of fees is required prior to the release of records, unless other arrangements have been made with the PRO. If requested by the Requestor, the Agency shall provide a summary of the applicable charges before any copies are made and the Requestor may revise a public records request to reduce the number of copies to be made and reduce the applicable charges.

No fee is charged for locating records, inspecting records in person or for accessing records routinely made available on the Agency's website prior to receipt of a request unless the Requestor has specially requested that the Agency provide copies of such records through other means.

The Agency declares that it would be unduly burdensome to calculate the actual costs of providing copies of certain public records, due to variations in copy charges for leased copiers and variations in staff time for manual copying and mailing or uploading or electronically transmitting responsive records. Therefore, except as otherwise indicated below, the table below incorporates the standard fees prescribed in [RCW 42.56.120\(2\)\(b\)](#) for providing public records (other than outsourced copies or copies of large-format plans and maps). The Agency reserves the right to update the charges listed below to reflect any future changes in standard charges in [RCW 42.56.120\(2\)\(b\)](#).

*Fees shall be waived for any records request where the total fees would equal \$1.00 or less.*

Method of Release of Records	Fee
Inspection of Records	
Inspection of agency records on agency public internet web site or scheduled at agency office.	No Fee
Access or downloading records posted on Agency's public internet web site.	No Fee
Standard Copies of Physical Records	
Size	
8.5 x 11 black and white or color	\$0.15 per page
8.5 x 14 black and white or color	\$0.15 per page
11 x 17 black and white or color	\$0.15 per page
Outsourced Copies (any size)	Vendor invoice
Large-Format Plans and Maps	\$3.50 per page (in house) or vendor invoice if outsourced



<b>Electronic Records</b>	
Scanning physical records to electronic format	\$0.10 per page
Use of File Transfer Protocol or Cloud drive service or emailing records	\$0.05 per 4 files attached in an email or delivered in another electronic format (if total file(s) size exceeds 1 GB, see large file fees below)
Large files (zip), audio, or video	\$0.10 per GB of data transmitted
USB, CD, DVD or other physical storage device	Actual cost of device at the time of records delivery
Video or Audio Tape Reproduction	Vendor Invoice
<b>Mailing Physical Records or Storage Devices</b>	
Mailing of physical records or electronic records on storage device ( <i>payment must be made before records are mailed</i> )	Cost of electronic storage device plus actual cost of envelope/container and postage/delivery charge.
<b>Customized Service</b>	
Data compilations prepared or access as a customized service (cost is in addition to copy fees above)	Actual cost
<b>Copy charges above may be combined to the extent more than one type of charge applies to copies released in response to a particular records request.</b>	

2. A 2-sided paper copy will be charged as 2 pages.
3. All paper copies will be printed in black and white unless the Requestor specifically asks for color or if the nature of the document requires it (color coded map, route plans, red-lined documents, etc).
4. If the request contains potentially sensitive (but not exempt) information, the Agency may choose to send the information via certified mail and require signature on delivery. The Requestor will be notified if a signature upon delivery is required and what the certified mail charges will be. If this is the case, delivery to a P.O. box may not be possible.
5. In addition to the charges noted in the Agency's Fee Schedule, the Agency may include a customized service charge if the Agency estimates that the request would require the use of information technology expertise to prepare data compilations or provide customized access service. The Agency must notify the Requestor in advance of the customized service charge to be applied, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimate cost of the charge, and the Agency must provide the Requestor an opportunity to amend the public records request to avoid or reduce the cost of a customized service charge.

6. The Agency is not required to copy records at its own facilities and may determine to use a commercial copying center for duplicating voluminous records or records in non-routine formats such as photographs, blueprints, or tape recordings. The Agency will bill the Requestor for the full amount charged by the vendor.
7. Prior to copying records, the PRO or designee may require a deposit of up to ten (10) percent of the estimated costs of copying the records, including customized service charges, selected by a Requestor. The PRO may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing the installment.
8. Payment may be made by cash, check, money order or credit card. Checks may be made out to Skagit Transit. Credit card payments can be taken in person or over the phone.
9. Sales tax will not be charged for in-house copying or digital delivery fees.
  - a. If the request includes items that were outsourced to a third-party vendor, the Requestor is expected to pay the entire third-party invoice, including any sales tax charged.
  - b. Any physical media device (USB stick, CD, DVD, etc) or mail charges may include sales tax from the point of purchase. The Requestor will pay the entire amount of the invoice, including sales tax prior to the mailing or pickup of requested documents.

## Appendix C – Skagit Transit Closing Letter Template

Skagit Transit  
600 County Shop Lane  
Burlington, WA 98233

Requestor Name  
Requestor Address (if given)

Re: Public Records Request *Request Number*  
Date

Dear Requestor,

We have completed our review of your request.

**\*Keep the paragraph that is relevant. Delete the rest.\***

All responsive records have been produced and the request is now closed.

Due to nonpayment of charges for the previous installment, your request is now closed.

We notified you on [date] that you needed to inspect or pick up your records by (due date). You have not done so, and your request is now closed.

On [date] we told you that your request was unclear and requested clarification by [due date]. We did not hear from you. Because you did not clarify your request and it is entirely unclear, by law we are not required to respond. Your request is now closed.

The Public Records Act allows requestors a one-year statute of limitations to seek judicial review of this request. This deadline is one year following the date on this letter. The agency does not intend to further address this request.

Requestors have 60 days following the date on this letter in which to ask follow-up questions about this request. Anything beyond this time frame will need to come as a separate public records request. Nothing can be added to the request and no new documents will be located or provided at this time, unless it is found by the Public Records Officer that a document was unknowingly left out of the production of records.

Requestors have the right under RCW 42.56.520(4) to seek internal review of any denials of requests.

Requests for further documents will need to be made via a separate public records request.