

(ENGLISH)

**HOUSING AUTHORITY CITY OF KENNEWICK
(Kennewick Housing Authority - KHA)**

**PUBLIC RECORDS
POLICY**

**KHA Board Resolution #1019
April 28, 2009**

1. Purpose:

To establish a policy and procedure for responding to requests for public records made pursuant to Chapter 42.56 RCW. It is Housing Authority City of Kennewick (Kennewick Housing Authority – KHA) policy to handle all requests for public records uniformly, fairly and expeditiously, with consideration for the requestor’s needs as expressed or reasonably perceived.

2. Posting of Rules and Procedures:

This policy and procedure shall be posted and available for inspection and copying during regular business hours of operation at KHA’s central Administration Office of KHA located at 1915 W. 4th Place * Kennewick, WA 99336.

3. Public Records Officer:

The Public Records Officer for KHA is the Executive Director (or) designated management staff. Members of the public may direct requests for disclosure of public records of KHA to the Executive Director and the Executive Director will oversee compliance with the public disclosure requirements of the public disclosure laws of the State of Washington.

The Executive Director may be contacted at Kennewick Housing Authority (KHA) 1915 W. 4th Place * Kennewick, WA 99336.

4. Definitions:

“Nonpublic Record” means any writing containing information not relating to the conduct of government, and not relating to the performance of any governmental or proprietary function, retained or in the possession of KHA regardless of form or characteristics.

“Public Records” includes any writing containing information relating to the conduct of KHA or the performance of any governmental or proprietary function prepared, owned, used or retained by KHA regardless of physical form or characteristic.

5. **Request for Public Records – Procedure:**

(a) **Submitting a Request:**

A party wishing to make a request for public records should obtain a “Request for Public Records” form from KHA. This form should be filled out and submitted to the Public Records Officer of KHA.

Requests to inspect or copy public records maintained by KHA must be in writing, however if an individual refuses to complete the form provided by KHA, access will still be provided and the form will be filled out by KHA staff in order to document the access.

(b) **Response:**

Within five (5) KHA business days of receiving a public record request KHA will respond by either

- 1) Providing the record;
- 2) Acknowledging KHA has received the request and providing a reasonable estimated time required to respond to the request; or
- 3) Denying the request.

(c) **Unclear Requests:**

If KHA receives an unclear request it may ask the requestor to clarify what information the requestor is seeking. Failure of the requestor to clarify the request will result in KHA deeming the request closed.

(d) **Refusal of a Request:**

Any responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

(e) **Installments:**

For large requests KHA may produce the requested material on a partial or installment basis. If an installment of a records request is not claimed or reviewed, KHA is not obligated to fulfill the balance of the request.

(f) **Closing a Request:**

When a request is deemed completed either due to satisfaction of the request, denial of the request, or failure of the requestor to respond to a request for clarification or to claim or review an installment of a records request, KHA shall provide the requestor with a “Closing of Request” notice, notifying the requestor that his or her request has been deemed closed.

6. Guidelines for Inspecting Public Records:

- (a) KHA staff may be present during the inspection of public records.
- (b) No public record may be marked or defaced in any manner during inspection.
- (c) Public records which are maintained in a file, jacket, or in chronological order may not be dismantled.
- (d) Access to file cabinets, shelves, etc. is restricted to KHA staff.
- (e) No public records may be removed from KHA premises, unless in the possession of an authorized executive, management or other designated KHA staff member, or by court order subpoena, official public, government, HUD, KHA legal council official.
- (f) Individuals may obtain tabs from KHA staff with which to tab those pages the individual would like to have copied.

7. Applicable Charges

No fee shall be charged for the inspection of public records.

Pursuant to RCW 42.56.120 KHA charges fifteen cents (\$0.15) per one-sided page and thirty cents (0.30) per two-sided page for photocopies of public records and the actual postage or delivery charge and the cost of any container or envelope used to mail the public records to the requestor.

Pursuant to RCW 42.56.070(7)(b), staff time to copy and mail the requested public records may be assessed at an hourly rate of \$13.01 (incurred in .25 of an hour increment – 15 minutes).

KHA may require a deposit of 10% of the estimated cost of providing copies for a request.

8. Commercial Purposes:

KHA will not disclose lists of individuals for commercial purposes pursuant to Washington State Law, RCW 42.56.070(9). RCW 42.56.070(9) prohibits the use of lists of individuals for commercial purposes. If requester of public records or someone else uses these records for commercial purposes requester of public records may violate the rights of the individuals named and requester of public records may be liable for damages. “Commercial purposes” means that the person requesting the public records intends that the list will be used to communicate with the individuals named in the public records for the purpose of facilitating profit-expecting activity.