

Records Retention Policy

RECORDS POLICY AND PROCEDURES DEFINITIONS

1. **Public Records.** Public records of West Benton Regional Fire Authority include any record containing information relating to the conduct or performance of any governmental function prepared, owned, used or retained by the Fire Authority as defined in chapter 42.56 RCW. Public records do not include personal records of Fire Authority employees or officials that may be in the possession of the employee or official or located in their office, lockers or living quarters.
2. **Electronic Public Records.** Electronic public records of the Fire Authority include all data compilation stored and retained on the Fire Authority computers containing information relating to the conduct or performance of any governmental function prepared, owned, used or retained by the Fire Authority. Electronic public records do not include personal materials entered or stored on the Fire Authority's computers by employees and officials when using the computers for incidental personal use.
3. **Record.** As used in this policy and procedure the "record" available to the public for electronic stored records shall be a printout of the stored record.
4. **Copy.** As used in this policy and procedure a "copy" of a record shall mean a duplicate of the record in the same media, except that a "copy" of an electronic stored record shall mean a printout of the record, or in the sole discretion of the Fire Authority Records Retention Officer an electronic version in a commercially available format.
5. **Records Retention Officer.** The Fire Authority Records Retention Officer shall be the Administrator.
6. **The Fire Authority Review Authority.** The Fire Authority Review Authority shall be the Fire Authority legal counsel.

RECORDS ACCESS AND COPYING

1. **Computer Network.** In order to maintain the security of the records as required by RCW 42.56.100, the Fire Authority computer hardware shall not be available to the public for review of electronic records.
2. **Public Records Availability.** The records or printouts of all electronic public records of the Fire Authority as defined above are available for public inspection pursuant to these rules, except as otherwise provided by chapter 42.56 RCW and other applicable statutes.
3. **Location of Records.** The Fire Authority's public records shall be maintained at the Fire Authority headquarters station in the custody of the Fire Authority Records Retention Officer who shall be responsible for the implementation of these rules.
4. **Hours for Inspection and Copying.** Public records shall generally be available for inspection and copying during the normal office hours of the Fire Authority which are from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday excluding legal holidays. Prior to pick up, the records requester should contact the Fire Authority to insure Staff is available to accommodate them. Different inspection times are acceptable if both the Fire Authority and the requestor agree to it.
5. **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:

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- 5.1. Requests shall be made in writing to the Fire Authority's Records Retention Officer on a form provided by the Fire Authority and shall include the following information:
 - 5.1.1. The name and address of the person requesting the record.
 - 5.1.2. The time of day and calendar date on which the request is made.
 - 5.1.3. The nature of the request
 - 5.1.4. If the record requested is referenced in a current index maintained by the Fire Authority, a reference to the requested record as it is described in such index.
 - 5.1.5. If the requested record is not identifiable by reference to an index, an appropriate description of the record requested.
 - 5.1.6. If the requested record is a list of individuals a signed statement that the information obtained will not be used for commercial purposes.
 - 5.1.7. A statement that the records including lists of individuals are not being requested for commercial purposes.
- 5.2. All mailed requests shall contain the information described above and shall be mailed to the Fire Authority headquarters station.
- 5.3. In all cases in which a member of the public is making a request it shall be the obligation of the employee to whom the request is made to assist the member of the public in appropriately identifying the public record requested.
6. **Exemption from Public Inspection.**
 - 6.1. The Fire Authority reserves the right to determine that a record requested is exempt in whole or in part from public inspection under chapter 42.56 RCW or other applicable statutes.
 - 6.2. In accordance with RCW 42.56.070 the Fire Authority reserves the right to delete identifying details when it makes available any public record or printout of a public record in any case where there is reason to believe that disclosure of details would be an invasion of personal privacy protected by chapter 42.56 RCW or other applicable statutes. The employee who deletes information shall fully justify the deletion in writing.
 - 6.3. All denials of requests for copies of public records shall be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record or portion of the record and a brief explanation of how the exemption applies to the record.
7. **Duties of Records Retention Officer.** The Records Retention Officer shall undertake the following analysis with respect to all records requests:
 - 7.1. The Records Retention Officer shall review the request form and shall review the requested record to determine the nature of the information contained in the record and to determine whether or not the release of the requested record is exempt from public inspection under chapter 42.56 RCW or other applicable statutes.
 - 7.2. If the record requested is classified as a medical record the Records Retention Officer

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shall determine whether the patient has authorized disclosure of the medical record pursuant to RCW 70.02.030. In the absence of patient authorization, the Records Retention Officer shall determine whether the requester is an authorized recipient of the record as defined in RCW 70.02.050.

- 7.3. If the disclosure of the record requested is restricted by any other federal or state statute, the Records Retention Officer shall comply with the restrictions or the procedure required for the release of the requested information.
 - 7.4. In the event it is determined that there would be no violation of the right to privacy by the disclosure of the record or any information contained in the record or that the information is not exempt from disclosure, the Records Retention Officer shall determine if the record may be inspected or copied in its entirety and if so, the inspection or copying shall be permitted.
 - 7.5. In the event the record contains confidential information and public information, the Records Retention Officer shall segregate the public information from the confidential information, prepare a copy of the record showing only the disclosable portion and release or permit copying of only the public information.
 - 7.6. In the event the record contains information that affects the privacy interest of a third party and the Records Retention Officer reasonably believes that an argument could be made that the record is exempt, the Records Retention Officer shall provide notice, in accordance with RCW 42.56.540, to the affected third party of the Fire Authority's intent to disclose the record.
- 8. Response to Request for Records.** The Records Retention Officer, 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:
- 8.1. In the event the Records Retention Officer determines that the request requires clarification, the Records Retention Officer shall acknowledge receipt of the request and ask the requester to clarify what record the requester is seeking. If the requester fails to clarify the request, the Records Retention Officer shall provide no further response.
 - 8.2. In the event the Records Retention Officer determines that a full response will take longer than five business days after receipt of the request the Records Retention Officer shall acknowledge receipt of the request and provide a reasonable estimate of when the Fire Authority will respond. The determination of the time required to respond to the request will be based on a consideration of the following factors:
 - 8.2.1. Clarity of the request,
 - 8.2.2. Time required to locate and assemble the information requested,
 - 8.2.3. Time required to notify third persons or agencies affected by the request,
 - 8.2.4. Time required to determine whether any of the information requested is exempt,
 - 8.2.5. Time required to obtain the consent of a person identified in the record if consent is required by statute.

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- 8.2.6** Current staffing levels and essential job functions that must be performed by staff prior to locating and assembling the record requested.
- 8.3.** Provide the record for inspection or provide a copy of the record if requested. For large requests the Fire Authority shall attempt, where feasible, to release the records in reasonable installments as the records become available.
- 8.4.** Deny the request.
- 8.4.1.** All denials shall contain the information specified in paragraph 6.3.
- 8.4.2.** Denials of a patient's request for the patient's medical records shall comply with the requirements specified in RCW 70.02.090.
- 9. Review of Denials.**
- 9.1.** Any person who objects to the denial of a request to inspect or copy a public record may petition for a prompt review of the decision by submitting a written request for review to the Fire Authority Records Retention Officer.
- 9.2.** Upon receipt of a written request for review of a decision denying inspection or copying of a public record, the Fire Authority Records Retention Officer shall refer it to the Fire Authority Review Authority. The Fire Authority Review Authority shall promptly review the matter and either affirm or reverse the denial. The final decision shall be rendered to the individual who requested the record within two business days after the review request.
- 9.3.** In the event the request for the record or information from the record is made by an elected or appointed official of the Fire Authority, the information is deemed to be needed for the proper performance of the official's duties and consent to the release of the information is required but cannot be obtained, the official shall be required to sign a confidentiality agreement before being allowed access to the requested information.
- 9.4.** Administrative remedies shall not be considered exhausted until the Fire Authority has returned the request with the decision or until a period of five business days has elapsed after the denial of the request or after the review of the initial denial.
- 10. Fees.** The following charges shall be imposed to reimburse the Fire Authority for costs incurred in providing public records. In the event the Fire Authority 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.
- 10.1. General Records.** With the exception of medical incident reports the Fire Authority shall charge a fee of fifteen cents per page for providing a copy of each page of a Fire Authority record. The Records Retention Officer may waive copying fees as a matter of administrative convenience for small requests.
- 10.2 Electronic Records.** With the exception of medical incident reports the Fire Authority shall charge a fee of fifteen cents per page for providing a printout of a Fire Authority electronic record. If records are provided in electronic format the Fire Authority shall charge a fee of fifteen cents per scanned page plus the cost of the media on which the record is disclosed (CD, DVD, etc.) No charge shall be imposed for the cost of emailing an electronic record.

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10.3. Medical Incident Reports. In accordance with chapter 70.02 RCW the Fire Authority shall charge the rates established by the Department of Health (WAC 246-08-400) which establishes a clerical fee for searching and handling requests for medical incident reports of \$26.00 for each report. In addition, the Fire Authority shall charge ninety-six cents per page for the first 30 pages and seventy-three cents per page for all additional pages of each report copied or printed out. The Records Retention Officer may waive copying fees as a matter of administrative convenience for small requests.

10.4. Video and Audio Tapes. The Fire Authority shall charge the actual cost it incurs in commercially duplicating audio or visual tape records.

11. Deposit: The Fire Authority may require a deposit of up to ten percent (10%) of the estimated cost of copying records prior to copying any records for a requestor. The Fire Authority may also require payment of the remainder of the cost before providing all of the records, or the payment of the costs of copying an installment before providing that installment. RCW 42.56.120

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

Statutory Provisions that may affect the disclosure of records by a fire protection authority

Attorney Client Privilege	RCW 5.60.060
Industrial Insurance	RCW 51.16.070
	RCW 51.48.040
	RCW 51.28.070
Juvenile Justice	Ch. 13.50 RCW
Alcohol & Drug Abuse Treatment.....	RCW 70.96A.150
Mental Health	RCW 71.05.390
Domestic Relations	RCW 26.09.225
Sexually Transmitted Diseases	Ch. 70.24 RCW
Health Care Information Act	Title 70 RCW
Background Checks	RCW 43.43.830 -.840
	WAC 446-20-300
Open Public Records Act.....	Ch. 42.56 RCW
Address Confidentiality for	
Victims of Domestic Violence	Ch. 40.24 RCW
Mental Health Services for Minors.....	Ch. 71.34 RCW
Americans with Disabilities Act.....	42 USC Sec. 12101 <i>et seq.</i>
Occupational Safety and Health Act.....	29 USC Sec 657 <i>et seq.</i>
Federal Law on Substance Abuse Records.....	42 USC Sec. 290dd-2
Washington Industrial Safety and Health Act	Ch. 49.17 RCW

Most of the Federal or State agencies that administer the above acts have adopted regulations to implement the acts. The regulations must be reviewed together with the acts when reviewing record requests.

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NAME OF REQUESTER: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ DATE OF REQUEST: _____ TIME: _____

Date/Time of incident: _____ Incident number: _____

Address and Description _____

Request should be sent by:

Email: _____

Fax: _____

Mail: _____

(Postage and copy fees will be incurred with mail option)

I declare under penalty of perjury under the laws of the State of Washington that I do not intend to use any list of individuals that may be covered by this request for commercial purposes.

Signature of requestor: _____

For office use only:

Date: _____ Time: _____

Request: Granted Record withheld Record withheld in part No Records

Additional Comments _____

Signature of Records Custodian: _____