

PUBLIC RECORDS DISCLOSURE POLICY

Approved: May 20, 2010; Amended September 27, 2012, February 22, 2018

OVERVIEW

BCAA is committed to providing full access to public records in accordance with the Washington State Public Records Act, chapter 42.56 RCW.

The public is encouraged to view information regarding /public records available on our website, www.bcaa.net, before submitting a Request for Public Record.

How to Make a Request for Public Record

A Request for Public Record may be submitted in person, via regular mail, email or fax. Each request should include the following information:

1. Name, mailing address, email address (if available), and daytime phone number of the person making the request;
2. Date and time of day of the request; and
3. Nature of the request, specifically identifying the public records being requested. The Agency encourages as much specificity as possible in the request to enable the Agency to more efficiently locate and provide the requested records.

Send a Request for Public Record(s) to the Agency's Public Records Officer:

Public Records Officer
Benton Clean Air Agency
526 South Steptoe Street
Kennewick, Washington 99336
(509) 783-1304

How the Agency Responds to a Request for Public Record

The Agency will process received requests in the order that allows all requests to be processed in the most efficient manner. A request is considered received on the date that the Agency receives it, not when the request was sent.

The Agency places a high priority on responding to public records requests in a timely manner. Within five (5) business days of receipt of a request, the Agency will do one or more of the following:

- Make requested records available for inspection or copying
- Acknowledge receipt of the request and provide a reasonable estimate of when requested records will be available
- Seek clarification of an unclear request
- Deny a request and cite the legal exemption(s) supporting the denial

The Agency may need additional time to respond to a request for the following reasons: to clarify a request; locate and assemble records responsive to a request; notify third persons or agencies affected by a request and provide them with the opportunity to seek a court order preventing disclosure where appropriate; and/or determine whether a record is exempt from disclosure. If a requester fails to clarify an unclear request, the Agency will treat the request as withdrawn.

The Agency may produce copies of requested records on a partial or installment basis. If an installment is not claimed or reviewed by a requester, the Agency may choose to not fulfill the balance of the request.

Please be aware that one way the Agency may produce a public record is to provide a link to an electronic record on the Agency's web site.

If a request for public record is denied, the Agency will provide a written statement specifying the reason(s) for denial, including a statement identifying the legal exemption being relied upon and a brief explanation of how that exemption applies to the record being withheld.

If you have any questions regarding a pending request, contact the Agency's Public Records Officer at (509) 783-1304

How Much Does It Cost to Review Public Records?

There is no fee for reviewing agency records. The Agency provides space for requesters to review records at the Agency's office during regular office hours at a time and date mutually convenient to the Agency and the requester. The Agency is located at 526 South Steptoe Street, Kennewick, Washington 99336. Office hours are Monday-Friday, 8:00 a.m. - 5:00 p.m.

- Fifteen cents (\$0.15) per page for photocopies of public records, printed copies of electronic public records when requested by the person requesting records, or for the use of agency equipment to photocopy public records;
- Ten cents (\$0.10) per page for public records scanned into an electronic format or for the use of agency equipment to scan the records;
- Five (\$0.15) cents per each four (4) electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery; and
- Ten cents (\$0.10) per gigabyte for the transmission of public records in an electronic format or for the use of agency equipment to send the records electronically. The agency shall take

reasonable steps to provide the records in the most efficient manner available to the agency in its normal operations; and

- The actual cost of any digital storage media or device provided by the agency, the actual cost of any container or envelope used to mail the copies to the requestor, and the actual postage or delivery charge.

If an outside copy service makes the copies, the requester may be charged the fees charged by the outside copy service. In addition, the Agency may charge for the actual cost of making non-standard copies; these include electronic copies, color copies, and copies of over-sized documents and photographs.

If a requester inspects records at the Agency's office, and wishes to make copies, the requester may use the agency equipment and must pay for those copies at the time they receive the copies. If copies are mailed to the requester, payment is required in advance, and the Agency may charge for postage and the mailing envelope or container.

Payment for copies is required in at the time the requester receives the copies.

The Agency may require a deposit of up to 10% of the estimated cost of copying records prior to copying any records.

A requester may ask an agency to provide, and if requested an agency shall provide, a summary of the applicable charges before any copies are made and the requester may revise the request to reduce the number of copies to be made and reduce the applicable charges.

If copies are produced in installments, the Agency may require payment for an installment before remaining installments are made available to a requester.

How are Public Records Organized?

The Agency finds that maintaining an index (as provided in RCW 42.56.070) for use by the public would be unduly burdensome and would interfere with Agency operations given the small size of the Agency and the high volume and types of public records generated and received by the Agency. The Agency maintains its records in a reasonably organized manner and takes reasonable actions to protect records from disorganization and damage.

Additional Information

- Under the Washington State Public Records Act, the Agency is not required to answer written questions, create new public records, or provide information in a format that is different from an existing public record.
- Public records must be preserved. Therefore, public records may not be removed from a viewing area, disassembled or altered.
- Commercial use of any lists of individuals is prohibited.

- A request for a public record is a public record itself and is subject to disclosure under the Act.