



## Public Records Policy

Revisions Adopted by Resolution No. 10-05-2016 October 26<sup>th</sup>, 2016

### I. Policy:

Pursuant to the Washington State Public Records Act, Chapter 42.56 RCW (PRA or Act), the Port of Kingston ("Port") will make available for inspection and copying public records as defined by the PRA. The Port is committed to public accountability and transparency, and operates in conformance with the PRA. The PRA requires that each local agency shall prominently display and make available for inspection and copying substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency, and this Policy shall be posted on the Port's website to meet that requirement. This policy will govern compliance by the Port with respect to the provisions of the PRA. To the extent that this policy is in any way inconsistent with the referenced RCWs, the RCWs will be deemed to prevail.

All public records of the Port are deemed to be available for public inspection and copying pursuant to this policy except as otherwise provided by the PRA, or other statutes, which exempts or prohibits disclosure of specific information or records.

The Port shall make all non-exempt records available for inspection and copying in accordance with the PRA. To this end, the Port shall provide to the public the fullest assistance to ensure access to records containing information about the conduct of government at all levels, while also being mindful of individuals' privacy rights (as defined by RCW 42.56.050), the efficient administration of government and limited staff resources.

### II. Definitions:

1. **"Exempt"** means that a law allows or requires the withholding of a document, or a portion thereof, from public disclosure.
2. **"Exemption Log"** means a log of records that have been redacted or withheld pursuant to an applicable exemption. An Exemption Log must be provided to the requestor each time records are redacted or withheld, except as otherwise provided for in this definition. An Exemption Log will normally contain the record's author, recipient, date, number of pages, a citation to the law allowing the exemption, and a brief explanation of how the exemption applies. When an exemption is very limited, obvious, or straightforward, it may be sufficient for the Port to identify and reference the exemption in a cover letter to the requestor in lieu of a separate log.
3. **"Five Day Letter"** refers to the Port's initial response to a person who has made a public records request. This letter is required by statute to be postmarked no later than five business days (business days are all days excluding Saturday, Sunday and legal holidays) after the receipt of the original request.

The Five Day Letter must indicate one or more of the following:

- a. That the requested records are attached or are available for inspection;
  - b. That clarification is being sought;
  - c. That the records being sought do not exist, or are exempt from disclosure and why;
  - d. That the Port requires additional time to respond to the request and how much time; and/or
  - e. That the request will be answered in installments, with estimated installment and completion dates.
4. **“Fullest Assistance”** requires maintaining regular written communication with a requestor, offering suggestions where appropriate to help a requestor identify and locate desired records, and otherwise offering good customer service to public records requestors.
  5. **“Identifiable Public Record”** refers to a record description enabling the Port employee to locate the requested record, if the record exists.
  6. **“Reasonably Locatable Electronic Record”** In general, a reasonably locatable electronic record is one which can be located with typical search features and organizing methods contained in the agency’s current software.
  7. **“Meta-data”** means electronic information embedded in electronic files consisting of information describing the history, tracking, or management of an electronic record. The Port is obligated to produce meta-data if requested as part of a public records request.
  8. **“Public Record”**, as defined in the PRA, 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. The term “writing” includes handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated. A document may meet the definition of “public record” even if it was not created using agency computers or equipment. For example, an e-mail or text message sent or received by a Port employee or official within the course and scope of agency business may be a public record, even if a personal electronic device was used to create or receive the record.
  9. **“Public Records Coordinators”** (who may also be known as Public Disclosure Coordinators) are those Port employees who may be responsible for collecting and processing for completion of a response to public records request.
  10. **“Public Records Officer”** is the individual responsible for: establishing public records

response protocols for the Port of Kingston; assisting with unusually large or complex public records requests; developing training protocols for all Port Public Records Coordinators; and developing other guidance resources such as on-line public records request information.

11. **“Public Records Request”** is defined as a request to inspect or receive a copy of an identifiable public record.
12. **“Public Records Requests on-line information”** describes the web-based Port internet application that provides general guidance on public records requests response procedures.
13. **“Public Records Requests Tracking System”** refers to the application that catalogs all public records requests and the status of their associated responses.
14. **“Records Retention Schedule”** depicts how long records must be kept, as well as the disposal guidelines for these records. The retention schedules for state and local agencies are available at: [www.secstate.wa.gov/archives/gs.aspx](http://www.secstate.wa.gov/archives/gs.aspx)
15. **“Redaction”** refers to the method of protecting from public viewing a portion of a record that is statutorily exempt from public disclosure.
16. **“Shall”** and **“shall not”** are legal terms to express mandatory and prohibited actions for Port employees.
17. **“Will”** is defined in this Policy to specify the operational conduct required of all Port employees.

### **III. Public Records Officer:**

The Public Records Officer for the Port shall be the Port Assistant or designee. Processing requests for access to public records shall be the responsibility of the Public Records Officer.

The Port’s Public Records Officer shall serve as the point of contact for members of the public requesting disclosure of public records and oversee the agency’s compliance with the public records disclosure requirements. The name and contact information of the Public Records Officer will be posted in a highly visible location on the Port’s external internet home site for accessibility by the public (RCW 42.56.580).

#### **Duties Include the Following:**

1. Making requested records available for inspection and copying; and
2. Acknowledging receipt of all requests within five business days consistent with the above definition of “Five Day Letter”; and
3. Ensuring that records scheduled to be purged in accordance with the applicable Records Retention Schedule are not destroyed if a PRA request for them has been made, or if the records are relevant to actual or anticipated litigation (RCW 42.56.110); and
4. Making good faith and reasonable estimates of the time needed to respond to large or complicated requests, considering the time needed to perform a reasonably diligent search, organize and review records, submit records for legal

review if needed, redacting any exempt information in records to be produced, and creating Exemption Logs. The Public Records Officer's time estimate should be made in the context of the Port's available resources.

5. Performing reasonably diligent searches for requested public records and recording descriptions of these searches in writing; and
6. Arranging for other staff members, who may have better access to particular requested records, to search for and provide those records, and to record descriptions of their searches in writing; and
7. Maintaining clear electronic and/or paper files of all requests, the searches conducted in response to each request, and the records provided in response to each request; and
8. Coordinating with the Port Executive Director to obtain legal advice as necessary to maintain compliance with the Act; and
9. Regularly attending training in public records compliance.

#### **IV. Index of Public Records Available:**

The Port has available to all persons an:

1. Index of all resolutions passed by the Commission.
2. Other than the index of resolutions, the Commission has determined that it would be unduly burdensome to maintain an itemized index of all Port records, except as set forth herein, due to fiscal and personnel limitations. It is practically not feasible to maintain a central index of documents within the port's organizational structure. Even if such an index were feasible, the cost in terms of staff resources, inefficiency, and delayed ability to respond to substantive issues would be prohibitive. The determination made in this section shall be considered to be a "formal order" as that term is used by RCW 42.56.070.

#### **V. Policies for Processing for Public Records:**

In accordance with requirements of the Act, public records may be inspected or copied pursuant to the following procedures:

1. Citizens interested in making a public records request should be encouraged to do so in writing by directing them to the Port's electronic form which is available through the Port's website home page at [www.portofkingston.org](http://www.portofkingston.org). Public records requests will be accepted electronically via e-mail, fax, regular mail, telephone or in person. Upon receipt of a verbal request in person or via telephone, the Public Records Officer shall confirm the request with the requestor in writing. The request shall be presented to the designated Public Records Officer. If the Public Records Officer is not available during customary hours, the completed form(s) shall be presented to the Business Manager or designee. All requests shall include the following information, and the Public Records

Officer shall communicate with the requestor to complete any missing information necessary for processing the request:

- a. The name, contact address, and telephone number of the person requesting the record.
  - b. The time and day of the calendar date on which the request was made.
  - c. A description of the specific records requested that contains sufficient information to allow the Public Records Officer to identify the records sought.
  - d. The request shall identify if the request is for copies or for inspection of records.
2. The Port is not required to process requests strictly in the order received because this might not be providing the “most timely possible action” for all requests. A relatively simple request need not wait for a long period of time while a much larger request is being fulfilled. The Port shall be flexible and process as many requests as possible, even if they are out of order.
3. The Port, when providing records for public inspection, shall make records available for inspection and copying during the customary office hours except when and to the extent that this would unreasonably disrupt the operations of the Port and contact the requestor to make mutually agreed-upon arrangements for inspection and copying.
4. The Port will “protect public records from damage or disorganization” (RCW 42.56.100). Therefore, requestors shall not be allowed to take original records out of a Port office. Extremely large copying requests may be completed by an outside copying vendor. The responsible office or department will manage the transfer of original records between the office and the vendor.
5. For records exempt from disclosure or subject to redaction, the Port shall state the statutory exemption and provide a brief explanation of why the record or a portion of the record is being redacted or withheld, consistent with the above definition of “Exemption Log”. If only a portion of the record is exempt from disclosure, but the remainder is not exempt, the Public Records Officer shall redact the exempt portions, provide the non-exempt portions, and indicate to the requestor why portions of the record are being redacted. All such documentation as described in this section shall be specified in an Exemption Log unless a transmittal letter can provide sufficient information to explain and justify the exemption.
6. The Port shall provide space to inspect public records, usually at the Port Administration Office.
7. After inspection is complete, the Public Records Officer or designee shall arrange for any records requested to be copied upon requestor’s request and provided to the requestor in a reasonably prompt manner.
8. There is no fee for inspecting public records. A requestor may obtain standard black and white copies for fifteen (\$0.15) cents per page. If oversize copies are required, the Port may charge the actual cost for professional copying services. The Port may also charge the actual cost of mailing based on the current postage rate and will inform the

requestor before copying is performed. The cost of electronic copies shall be one (\$1.00) dollar for information provided on a CD-ROM, and shall be charged at the actual cost for information provided on a USB Storage Device. If the Port uses scanning equipment at its offices, the cost of scanning existing Port paper or other non-electronic records is fifteen (\$0.15) cents per page. The Port may also charge for IT Assistance in responding to metadata requests. There will be no charge for emailing electronic records to a requestor, unless another cost applies such as a scanning fee. Before beginning to make the copies, the Public Records Officer or designee may require a deposit of up to ten (10%) percent of the estimated costs of copying all the records selected by the requestor. The Public Records Officer or designee 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 that installment. The Port will not charge sales tax when it makes copies of public records.

- 9.** Only Port staff persons will operate the Port's copy machine, as public use of the copy machine would unreasonably disrupt the operations of the Port. If a request has been made in person and the request for the copies is minimal, staff will make copies while the requestor waits except when and to the extent that this would unreasonably disrupt the operations of the Port. If the Port, at its sole election, determines that the copies will be made by a copy service due to the burden that copying the materials in house would impose on the Port, the actual costs charged by a copy service plus actual costs of postage, transmission and handling will be charged to the requestor. The charge shall be the amount necessary to reimburse that Port for its actual costs incident to such copying.
- 10.** The Port cannot deny a request for being "overbroad". However, when a request is for a large number of records, the Public Records Officer shall provide access for inspection and copying in installments if that officer reasonably determines that providing responsive records in such a manner would be the best way to utilize port resources, and if providing records in installments would avoid long delays in providing any requested records. If, within thirty days of an installment being made available, the requestor fails to inspect or collect the records in one or more installments, the Public Records Officer may stop searching for responsive records and close the request. The Public Records Officer shall promptly notify the requestor in writing when a request is closed.
- 11.** When a request uses an inexact phrase such as all records "relating to" a topic (such as "all records relating to the property tax increase"), the Port may interpret the request to be for records which directly and fairly address the topic. When the Port receives a "relating to" or similar request, it should seek clarification of the request from the requestor.
- 12.** The Port shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose of the request; unless it must be determined whether a list of names is being requested for commercial purposes, or information is needed to determine whether disclosure is prohibited.
- 13.** Within thirty days of the Port's notification to him or her that the records are available for inspection or copying, the requestor must claim or review the assembled records. The

Port will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the Port to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the Port may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which shall be processed as a new request<sup>1</sup>.

- 14.** Providing records in installments. When the request is for a large number of records, the Public Records Officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the Public Records Officer or designee may stop searching for the remaining records and close the request.
- 15.** Completion of Inspection. When the inspection of the requested records is complete and all requested copies are provided, the Public Records Officer or designee will indicate that the Port has completed a diligent search for the requested records and made any located non-exempt records available for inspection.
- 16.** Closing withdrawn or abandoned request. When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the Public Records Officer will close the request and indicate to the requestor that the Port has closed the request.
- 17.** Later discovered documents. If, after the Port has informed the requestor that it has provided all available records, the Port becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.
- 18.** Port departments and offices are not obligated to create new records in order to respond to a public records request (WAC 44-14-04003), however, if the Port has the ability to generate a report that provides a portion of the information the requestor is seeking, the Port shall do so. The Public Records Officer should identify when creating a new document could more efficiently and effectively provide a requestor with the information he or she is seeking. When mutually agreeable to the requestor and the Port, the Port may create documents (e.g., lists or summaries of requested information) in lieu of providing records containing the requested information in fragments. The Port also is not required to conduct legal research for a requestor.
- 19.** The Port will only request clarification if the Port's Public Records Officer cannot reasonably identify the records sought, or when the scope of the records sought is unclear. When the Port receives an unclear request, the Public Records Officer shall communicate with the requestor to clarify the request. If the requestor does not clarify an unclear request when asked to do so within 30 days, the request may be closed, and the Public Records Officer shall send a closing letter to the requestor. For large requests the Port may ask the requestor to prioritize the request so that he or she receives the most important records first. If the requestor finds the records he or she is

seeking in the first installments of the Port's response, the requestor may inform the Port that the requested records have been provided and he or she is canceling the remainder of the request.

20. The Port of is not obligated to respond to requests for information, as opposed to requests for public records. An example of a request for information versus a request for records is distinguished by "How many employees used sick days in the year 2006?" versus "Provide all of the time sheets or other documents that show how many sick days were used by employees in the year 2006". However, it is in the best interest of the Port's community outreach and communications and public relations efforts to try to answer citizens' questions and requests for information, if collecting the information requires a manageable time investment. In addition, providing the information may help a citizen avoid having to make a public records request to get a question answered.
21. The Port fulfills its obligation to provide access to public records by providing the requestor a link to a website containing the requested records. Requestors are encouraged to check the Port's website for responsive records<sup>2</sup>.

## **VI. Procedures for Processing Public Records Requests:**

1. Upon the Port's receipt of a request for public records, the request shall be directed to the Port's Public Records Officer.
2. The Public Records Officer will date stamp and log into the Public Records Requests Tracking System all public records requests, exactly as they are written by the requestor, so that the Port has a record of the date of receipt of the request, as well as what specific records are being requested.
3. The Public Records Officer shall respond to the request in writing within five (5) business days in accordance with the above definition of "Five Day Letter".
4. In the event that the requested records contain information that may affect the rights or privacy of a third party and are arguably exempt from disclosure, the Public Records Officer may, prior to providing the records, give notice to the third party. Such notice shall advise the third party that the records will be disclosed on a given date (generally ten business days) unless the third party obtains an injunction from the court prohibiting release and provides a copy to the Port. The notice to the affected persons will include a copy of the request and the requestor shall be copied with the third party notice. The requestor has an interest in any legal action to prevent the disclosure of the records he or she requested. Therefore, the Port's notice should inform the third party that he or she should name the requestor as a party to any action to enjoin disclosure. If an injunctive action is filed, the third party or agency should name the requestor as a party or, at a minimum, must inform the requestor of the action to allow the requestor to intervene. Before any such notification is sent to affected parties, the office or department shall coordinate with the Port's Legal Counsel.
5. If the Port cannot provide the requestor with access to or copies of the requested records that are subject to disclosure within the appropriate estimated timeframe, the

requestor shall be informed in writing of the additional time that it will take to produce the records and state why additional time is necessary. In addition, if the estimated date of completion must be revised at a later date, the Public Records Officer shall determine how much additional time to respond is appropriate in light of the circumstances, e.g., while gathering the requested records, it is determined that they are more voluminous or less readily accessible than originally believed, or the records require an unanticipated level of legal review prior to disclosure, and shall explain these circumstances to the requestor in a letter revising the original estimated date or completion.

6. Inspection shall occur at a time mutually agreed upon by the requestor and the Port's Public Records Officer during customary office hours. Typically, the records are produced for inspection in the front office area. The inspection of records cannot create excessive interference with essential office functions. The Port shall have an employee observe the inspection or copying of records by the requestor to ensure that the records are not altered or destroyed.
7. Requests to provide records in electronic format will be accommodated if the Port currently has the technology to make the conversion from its original format to an electronic format. This will typically result in a PDF document. Conversions from original format to an electronic format will incur the currently adopted fee for that conversion. No conversion fee will apply for records already existing in common electronic formats. All other fees associated with delivery of the record, such as postage, storage media, etc., shall apply. The Port will not fax a response to a public records request where a long-distance charge is incurred.
8. Requests for document meta-data shall be answered by providing the record in its native electronic format (for example, a Word document or a PST file for an e-mail). If the requested record requires redaction, the meta-data may have to be extracted and provided separately. The Public Records Officer shall ask for specialized IT assistance if necessary to respond to a request for meta-data.
9. Documenting compliance. The Port will employ a process to identify which records were provided to a requestor and the date of production. This may be accomplished by number-stamping or number-labeling paper records provided to a requestor to document which records were provided. The Port may also keep a copy of the numbered records so either the agency or requestor can later determine which records were or were not provided. However, the Port will balance the benefits of stamping or labeling the documents and making extra copies against the costs and burdens of doing so. If memorializing which specific documents were offered for inspection is impractical, the Port may document which records were provided for inspection by making an index or list of the files or records made available for inspection. The Port is not required to keep assembled records set aside indefinitely. This would "unreasonably disrupt" the operations of the agency. RCW 42.17.270, RCW 42.56.080. After a request has been closed, the Port should return the assembled records to their original locations. Once returned, the records are no longer subject to the prohibition on destroying records scheduled for destruction under the Port's retention schedule.

## VII. Exemptions:

The Act allows for certain personnel and other records to be exempt from public disclosure. The following are some of the most common PRA exemptions that may apply to Port records. The list is not exhaustive. Port staff and requestors should be aware that new case law regarding PRA exemptions is generated on a regular basis, and the PRA itself may be amended from time to time, both of which may affect any of the exemptions listed below. Exemptions available under laws other than the PRA are identified in Appendix A:

- a. Lists of individuals requested for commercial purposes, except as allowed under RCW 42.56.070.
- b. Personal information in files maintained for employees, appointees, or elected officials to the extent that disclosure would violate their right to privacy. RCW 42.56.230. To violate the right to privacy, information must be highly offensive to a reasonable person and not of legitimate concern to the public. RCW 42.56.050.
- c. Test questions, scoring keys, and other examination data used to administer a license or employment examination. RCW 42.56.250.
- d. The contents of real estate appraisals, except as provided by RCW 8.26, made for and by the port relative to the acquisition or sale of property until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the appraisal relates is sold or acquired, but in no event shall disclosure be denied for more than three (3) years after the date of the appraisal. This exemption also applies to all materials concerning the sale or purchase of real estate, when public disclosure of the materials would create a substantial risk of increased or decreased price. RCW 42.56.260.
- e. Valuable formulas, designs, drawings, and research data obtained by the Port within five (5) years of the request for disclosure when disclosure would produce private gain and public loss. RCW 42.56.270.
- f. Preliminary drafts, notes, recommendations, and intra-agency memorandum in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by the Port in connection with any Port action. RCW 42.56.280.

This exemption applies only when:

- i. The records contain pre-decisional opinions or recommendations of subordinates expressed as part of a deliberative process;
- ii. Disclosure would be injurious to the deliberative or consultative function of the process;
- iii. Disclosure would inhibit the flow of recommendations, observations, and opinions; and

- iv. The materials covered by the exemption reflect policy recommendations and opinions and not the raw factual data on which a decision is based.

After final action is taken by the Port, draft records associated with that decision are no longer exempt.

- g. Records which are relevant to a controversy to which the Port is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts. This exemption primarily applies to attorney client work-product, as defined by the civil court rules. RCW 42.56.290.
- h. Records of correspondence between Port employees and its attorneys retained by the Port, to the extent the content of the correspondence is protected by the Attorney/Client privilege. RCW 42.56.070, RCW 5.60.060.
- i. Applications for public employment including names of applicants, resumes, and other related materials submitted with respect to applicant. RCW 42.56.250.
- j. The residential addresses and residential telephone numbers of employees or volunteers of the Port which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers, and the personal wireless telephone numbers, personal electronic mail addresses, social security numbers, driver's license numbers, identicard numbers, and emergency contact information of employees or volunteers of the Port, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of the Port. RCW 42.56.250.
- k. Financial and valuable trade information under RCW 51.36.120, RCW 42.56.270.
- l. Information that identifies a person who, while an agency employee:
  - i. Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and
  - ii. Requests his or her identity or any identifying information not to be disclosed. RCW 42.56.250.
- m. Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW, or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment. RCW 42.56.250.
- n. Business related information protected from public inspection and copying under RCW 15.86.110. RCW 42.56.380.
- o. The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be

disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides. RCW 42.56.330.

- p. Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial information including social security numbers, except when disclosure is expressly required by or governed by other law. RCW 42.56.230.

Failure of the Port to list in this policy an allowable exemption under any applicable law does not affect the applicability of the exemption.

### **VIII. Review of Denials of Access to Records:**

1. Access to requested records may be denied if the records are confidential or exempt under the PRA or other applicable law, and the Port is unable to redact discrete exempt information in lieu of withholding the entire record. When access to records is denied on the basis of an exemption, the Port must supply a written explanation, in the form of an Exemption Log or cover letter as appropriate to the circumstance, which identifies the record, sets forth the exemption, and gives a brief explanation of how the exemption applies to the record consistent with the definition of “Exemption Log” in this policy.
2. Any person who objects to the denial of access to records may petition for prompt review of such decision by tendering a written request for review.
3. Upon receiving a written request for review, the denial of access to records shall promptly be reviewed by the Executive Director, or a designee, and the final decision of the Executive Director (or designee) shall be made in writing and delivered to the requesting party by the end of the second business day following receipt of the written request as set forth in RCW 42.56.520. The final decision of the Executive Director (or designee) shall constitute final action of the Port for purposes of judicial review. The Executive Director shall advise the Commissioners of the Executive Director’s (or designee’s) decision with regard to any such request.

### **IX. Address Where Requests are to Be Directed:**

All communications with the Port regarding requests for Public Records are to be addressed to:

**Port of Kingston**  
Attention: Public Records Officer  
PO Box 559  
Kingston WA 98346  
Fax: (360) 297-2945  
Email: [samb@portofkingston.org](mailto:samb@portofkingston.org)

There is also a printable online form that can be completed at [www.portofkingston.org](http://www.portofkingston.org)

## Appendix A:

This appendix is a list of laws the Port believes exempt or prohibit disclosure of specific information or records of the Port that are found outside the Public Records Act of RCW 42.56.

RCW 42.56.070(2): For informational purposes, each agency shall publish and maintain a current list containing every law, other than those listed in this chapter, that the agency believes exempts or prohibits disclosure of specific information or records of the agency. An agency's failure to list an exemption shall not affect the efficacy of any exemption.

### I. Washington State Statutes:

RCW 2.64.111 Documents regarding discipline/retirement of judges

RCW 2.64.113 Confidentiality - violations

RCW 4.24.550 Information on sex offenders

RCW 5.60.060 Privileged communications

RCW 5.60.070 Court-ordered mediation records

RCW 7.68.140 Victims' compensation claims

RCW 7.69A.030(4) Child victims and witnesses – protection of identity

RCW 7.69A.050 Rights of child victims and witnesses – addresses

RCW 7.75.050 Records of Dispute Resolution Centers

RCW 9.02.100 Reproductive privacy

RCW 9A.82.170 Financial institution records – wrongful disclosure

RCW 9.51.050 Disclosing transaction of grand jury

RCW 9.51.060 Disclosure of grand jury deposition

RCW 9.73.090(1)(c) Prohibition regarding specified emergency response personnel recordings

RCW 10.27.090 Grand jury testimony/evidence

RCW 10.27.160 Grand jury reports – release to public only by judicial order

RCW 10.29.030 Organized crime special inquiry judge

RCW 10.29.090 Records of special inquiry judge proceedings

RCW 10.52.100 Records identifying child victim of sexual assault

RCW 10.77.210 Records of persons committed for criminal insanity

RCW 10.97.040 Criminal history information released must include disposition

RCW 10.97.050 Conviction and criminal history information

RCW 10.97.060 Deletion of certain criminal history record information, conditions

RCW 10.97.070 Disclosure of identity of suspect to victim

RCW 10.97.080 Inspection of criminal record by subject

RCW 13.32A.090 Crisis residential centers notice to parent about child

RCW 13.34.115 Court dependency proceedings

RCW 13.40.217 Juveniles adjudicated of sex offenses – release of information

RCW 13.50.010 Maintenance of and access to juvenile records

RCW 13.50.050 Juvenile offenders

RCW 13.50.100 Juvenile/children records not relating to offenses

RCW 13.60.020 Missing children information

RCW 13.70.090 Citizen juvenile review board – confidentiality

RCW 18.04.405 Confidentiality of information gained by CPA

RCW 18.19.060 Notification to clients by counselors

RCW 18.19.180 Confidential communications with counselors

RCW 19.215.020 Destruction of personal health and financial information

RCW 19.34.240(3) Private digital signature keys

RCW 19.215.030 Compliance with federal rules

RCW 26.04.175 Name and address of domestic violence victim in marriage records

RCW 26.12.170 Reports of child abuse/neglect with courts

RCW 26.23.050 Child support orders

RCW 26.23.120 Child support records

RCW 26.26.041 Uniform Parentage Act – protection of participants

RCW 26.26.450 Confidentiality of genetic testing

RCW 26.33.330 Sealed court adoption records

RCW 26.33.340 Agency adoption records

RCW 26.33.343 Access to adoption records by confidential intermediary

RCW 26.33.345 Release of name of court for adoption or relinquishment

RCW 26.33.380 Adoption – identity of birth parents confidential

RCW 26.44.010 Privacy of reports on child abuse and neglect

RCW 26.44.020(19) Unfounded allegations of child abuse or neglect

RCW 26.44.030 Reports of child abuse/neglect

RCW 26.44.125 Right to review and amend abuse finding – confidentiality

RCW 27.53.070 Records identifying the location of archaeological sites

RCW 29A.08.720 Voter registration records – place of registration confidential

RCW 29A.08.710 Voter registration records – certain information exempt under Chapter 40.14 RCW Preservation and destruction of public records

RCW 42.17.260(1) Attorney-client privileged communications

RCW 42.23.070(4) Municipal officer disclosure of confidential information prohibited

RCW 42.41.030(7) Identity of local government whistleblower

RCW 42.41.045 Non-disclosure of protected information (whistleblower)

RCW 46.52.080 Traffic accident reports – confidentiality

RCW 46.52.083 Traffic accident reports – available to interested parties

RCW 46.52.120 Traffic crimes and infractions – confidential use by police and courts

RCW 46.52.130(2) Abstract of driving record

RCW 48.62.101 Local government insurance transactions – access to information

RCW 50.13.060 Access to employment security records by local government agencies

RCW 50.13.100 Disclosure of non-identifiable information or with consent

RCW 51.28.070 Worker’s compensation records

RCW 51.36.060 Physician information on injured workers

RCW 60.70.040 No duty to disclose record of common law lien

RCW 68.50.105 Autopsy reports

RCW 68.50.320 Dental identification records – available to law enforcement agencies

Chapter 70.02 RCW Medical records – access and disclosure – entire chapter (HC providers)

RCW 70.05.170 Child mortality reviews by local health departments

RCW 70.24.022 Public health agency information regarding sexually transmitted disease investigations - confidential

RCW 70.24.024 Transcripts and records of hearings regarding sexually transmitted diseases

RCW 70.24.105 HIV/STD records

RCW 70.28.020 Local health department TB records – confidential

RCW 70.48.100 Jail records and booking photos

RCW 70.58.055 Birth certificates – certain information confidential

RCW 70.58.104 Vital records, research confidentiality safeguards

RCW 70.94.205 Washington Clean Air Act – confidentiality of data

RCW 70.96A.150 Alcohol and drug abuse treatment programs

RCW 70.123.075 Client records of domestic violence programs

RCW 70.125.065 Records of rape crisis centers in discovery

RCW 71.05.390 Information about mental health consumers

RCW 71.05.395 Ch. 70.02 RCW applies to mental health records

RCW 71.05.400 Information to next of kin or representative

RCW 71.05.425 Notice of release or transfer of committed person after offense dismissal

RCW 71.05.427 Information that can be released

RCW 71.05.430 Statistical data

RCW 71.05.440 Penalties for unauthorized release of information

RCW 71.05.445 Release of mental health information to Dept. of Corrections

RCW 71.05.620 Authorization requirements and access to court records

RCW 71.05.630 Release of mental health treatment records

RCW 71.05.640 Access to treatment records

RCW 71.05.650 Accounting of disclosures

RCW 71.24.035(5)(g) Mental health information system – state, county and regional support networks – confidentiality of client records

RCW 71.34.200 Mental health treatment of minors – records confidential

RCW 71.34.210 Court records for minors related to mental health treatment

RCW 71.34.225 Release of mental health services information

RCW 71A.14.070 Records regarding developmental disability – confidentiality

RCW 72.09.345 Notice to public about sex offenders

RCW 72.09.585(3) Disclosure of inmate records to local agencies – confidentiality

RCW 73.04.030 Veterans discharge papers exemption (see related RCW 42.56.440)

RCW 74.04.060 Applicants and recipients of public assistance

RCW 74.04.520 Food stamp program confidentiality

RCW 74.09.900 Medical assistance

RCW 74.13.121 Financial information of adoptive parents

RCW 74.13.280 Children in out-of-home placements - confidentiality

RCW 74.20.280 Child support enforcement – local agency cooperation, information

RCW 74.34.095 Abuse of vulnerable adults - confidentiality of investigations and reports

RCW 82.32.330 Disclosure of tax information

RCW 84.36.389 Confidential income data in property tax records held by assessor

RCW 84.40.020 Confidential income data supplied to assessor regarding real property

## **ii. Selected Federal Confidentiality Statutes and Rules:**

18 USC § 2721 - 2725 Driver and License Plate Information

20 USC § 1232g Family Education Rights and Privacy Act

23 USC § 409 Evidence of certain accident reports

42 USC 290dd-2 Confidentiality of Substance Abuse Records

42 USC § 405(c)(2)(C)(viii)(I) Limits on Use and Disclosure of Social Security Numbers

42 USC 654(26) State Plans for Child Support

42 USC 671(a)(8) State Plans for Foster Care and Adoption Assistance

42 USC 1396a(7) State Plans for Medical Assistance

7 CFR 272.1(c) Food Stamp Applicants and Recipients

34 CFR 361.38 State Vocational Rehabilitation Services Programs

42 CFR Part 2 (2.1 - 2.67) Confidentiality of Alcohol and Drug Abuse Patient Records

42 CFR 431.300 - 307 Safeguarding Information on Applicants and Recipients of Medical Assistance

42 CFR 483.420 Client Protections for Intermediate Care Facilities for the Mentally Retarded

42 CFR 5106a(b)(2)(A) Grants to States for Child Abuse and Neglect Prevention and Treatment Programs

45 CFR 160-164 HIPAA Privacy Rule

46 CFR 40.321 USCG regulations regarding confidentiality of drug and alcohol test results done by marine employers