

Public Records Request Policy



SOP # P-013

Date Effective 02/15/2024

Revision Date:

District Chief _____
Date _____

Commission Chair _____
Date _____

Purpose – To establish guidelines for the public to inspect and obtain copies of public records. Inspection and/or release of records with protected health information will not be released without the written authorization of the patients involved.

Policy – South Pend Oreille Fire and Rescue, in accordance with RCW 42.56 will make available public records to be inspected or copied. Requests shall be made in writing by filling out the Request for Public Records form to the District Chief or his/her designee.

Processing Guidelines - Any member who receives a request for records shall route the request to District Chief or his/her designee.

Requests for Records – The processing of request for records is subject to the following:

1. The District is not required to create records with do not exist.
2. When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 - a. A copy of the redacted release should be maintained as evidence of what was actually released and should document the reasons for the redactions.

3. Requests to inspect or copy records shall be responded to promptly. Within 5 business days of receiving the written request, the District shall do one of the following per RCW 42.56.520
 - a. Provide the record.
 - b. Acknowledge the receipt of the request and provide a reasonable estimate of time the District will require to respond to the request. Additional time may be required to respond based upon the need to:
 - i. Clarify the intent of the request
 - ii. Locate and assemble the information requested.
 - iii. Notify third party persons or agencies affected by the request.
 - iv. Determine whether any of the information requested is exempt.
 - v. Acknowledge the receipt of the request and ask the requester for clarification if the request is not clear and provide the requester a reasonable estimate of the time that will be needed to respond if the request is not clarified. If the request does not respond, and the entire request is unclear, the District need not respond. If only part of the request is unclear, the District shall respond to those portions of the request that are clear.
 - vi. Deny the request.

Denials - The denial of a request for records is subject to the following:

1. The denial shall be accompanied by a written statement that includes the specific exemption and a brief explanation of how the exemption applies to the withheld record (RCW 42.5.210)
2. Requests that are denied are subject to judicial review and the burden of proof is on the District to show that the records requested are exempt or prohibited in whole or part by statute (RCW 42.56.550)

Release Restrictions – Examples of records with release restrictions include:

1. Pre-Hospital Care Reports
2. Personnel or similar files that contain personal information to the extent that disclosure would violate privacy rights (RCW 42.56.230, RCW 42.56.250)
3. Records pertaining to pending litigation (RCW 42.56.290)

4. Legal opinions (RCW 42.56.904)
5. Arson investigations (RCW 42.5.240)
6. Preliminary drafts, notes, recommendations, or intra-agency memoranda in which opinions are expressed or policies formulated or recommended (RCW 42.56.280)
7. Records of complaints to or investigations conducted by South Pend Oreille Fire and Rescue for law enforcement purposes (RCW 42.56.240)
8. Contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by South Pend Oreille Fire and Rescue relative to the acquisition of property or to prospective public supply and construction contracts, until all of the property has been acquired or all contract agreements executed (RCW 42.56.260)
9. Records where disclosure is exempt or prohibited pursuant to provisions of federal or state law, including but not limited to provisions of the Evidence Code relating to privilege.
10. Records that relate to archeological site information (RCW 42.56.300)
11. Records obtained and all reports produced as required by state fireworks law (RCW 42.56.460)
12. Investigative records compiled by the District regarding possible unfair practices of discrimination under RCW 49.60.010 et seq. or possible violation of other federal, state, or local laws or South Pend Oreille Fire and Rescue internal policies during an active and ongoing investigation (RCW 42.56.250)
 - a. Records may be released upon completion of the investigation as allowed under RCW 42.56.250

Released Records To Be Marked – Each page of any record released pursuant to this policy should be stamped in a colored ink or otherwise electronically marked to indicate the District name and to whom the record was released.