



**KING COUNTY**  
**Signature Report**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**June 27, 2011**

**Ordinance 17128**

**Proposed No. 2011-0277.2**

**Sponsors Ferguson**

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AN ORDINANCE relating to public records; providing guidance to public records officers regarding notice of agencies believed to have records responsive to public disclosure requests; revising the requirements for county agency reports about agency responses to public disclosure requests; and amending Ordinance 16679, Section 22, and K.C.C. 2.12.250 and Ordinance 16679, Section 27, and K.C.C. 2.12.300.

**PREAMBLE:**

To promote openness in county government, public records officers responding to public disclosure requests should inform the requestor about other agencies believed to have additional responsive records.

To facilitate the county council's oversight of county agency responses to public disclosure requests, without unduly burdening the county's public records officers, the information to be included in the annual reports submitted by each agency to the county council is to be revised and supplemented as set forth in this ordinance.

**BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:**

20            SECTION 1. Ordinance 16679, Section 22, and K.C.C. 2.12.250 are each hereby  
21 amended as follows:

22            A. Each agency shall provide full access to public records that are not exempt  
23 from disclosure under applicable law, protect records from damage or disorganization,  
24 prevent excessive interference with other essential functions of the agency, provide  
25 fullest assistance to requestors and provide the most-timely possible action on public  
26 records requests.

27            B. The public records officer or designee shall process requests in the order  
28 allowing the most requests to be processed in the most efficient manner; in order to  
29 process requests as efficiently as possible, smaller requests may be processed before  
30 substantially larger requests that were received earlier.

31            C.1. Within five business days of receipt of the request, the public records officer  
32 shall do one or more of the following:

- 33            a. make the records available to the requestor for inspection or copying;
- 34            b. if copies are requested and payment of a deposit for the copies, if any, is  
35 made or terms of payment are agreed upon, send the copies to the requestor;
- 36            c. provide to the requestor a reasonable estimate of when records will be  
37 available;
- 38            d. if the request is unclear or does not sufficiently identify the requested  
39 records, request clarification from the requestor. The clarification may be requested and  
40 provided by telephone, in which case the public records officer shall make a written  
41 record of the clarification. The public records officer or designee may revise the estimate

42 of when records will be available. If the requestor fails to clarify the request, the agency  
43 need not respond to it; or

44 e. deny the request and notify the requestor of the denial. Denials of requests  
45 shall be accompanied by a written statement of the specific reasons therefor.

46 2. Additional time required to respond to a request may be based upon the need  
47 to clarify the intent of the request, to locate and assemble the information requested, to  
48 notify third persons or agencies affected by the request or to determine whether any of  
49 the information requested is exempt and that a denial should be made as to all or part of  
50 the request.

51 D. In the event that the requested records contain information that affects other  
52 agencies or third persons, the public records officer may, before providing the records,  
53 give notice to those persons in accordance with RCW 42.56.540. The notice shall  
54 include a copy of the request.

55 E. Some records are exempt from disclosure, in whole or in part. If the agency  
56 believes that a record or any part of a record is exempt from disclosure and should be  
57 withheld, the public records officer shall provide to the requestor a writing identifying the  
58 record or portion withheld, the specific exemption relied upon and the authority for the  
59 exemption, and briefly explaining how the exemption applies to the record or portion  
60 withheld, including enough information for a requestor to make a threshold determination  
61 of whether the claimed exemption is proper. If only a portion of a record is exempt from  
62 disclosure, but the remainder is not exempt, the public records officer shall redact the  
63 exempt portions and provide the nonexempt portions.

64 F.1. The agency shall promptly provide space to inspect public records except  
65 when and to the extent that it would cause excessive interference with other essential  
66 functions of the agency or unreasonably disrupt agency operations. No member of the  
67 public may remove a document from the viewing area or disassemble or alter any  
68 document. The requestor shall indicate which documents the requestor wishes the  
69 agency to copy.

70 2. The requestor must claim or review the assembled records within thirty days  
71 of the agency's notification to the requestor that the records are available for inspection or  
72 copying. The agency shall notify the requestor in writing of this requirement and inform  
73 the requestor that the requestor should contact the agency to make arrangements to claim  
74 or review the records. If the requestor or a representative of the requestor fails to claim  
75 or review the records within the time prescribed in this subsection F.2. or make other  
76 arrangements, the agency may close the request. Other public records requests may be  
77 processed ahead of a subsequent request by the same person for the same or almost  
78 identical records, which may be processed as a new request.

79 G. After inspection is complete, the public records officer or designee shall make  
80 the requested copies or arrange for copying.

81 H. When the request is for a large number of records, the public records officer or  
82 designee shall provide access for inspection and copying in installments, if the public  
83 records officer or designee reasonably determines that it would be practical to provide the  
84 records in that way. If, within thirty days after notification that the records are available  
85 for inspection or copying under subsection C., D. or E. of this section, the requestor fails  
86 to inspect the entire set of records or one or more of the installments, as applicable, the

87 public records officer or designee may stop searching for the remaining records and close  
88 the request. The requestor shall be notified in writing of this action.

89 I. When the requestor either withdraws the request or fails to fulfill his or her  
90 obligations to inspect the records or pay the deposit or final payment for the requested  
91 copies, the public records officer shall close the request and indicate to the requestor that  
92 the agency has closed the request.

93 J. If, after the agency has informed the requestor that the agency has provided all  
94 available records, the agency becomes aware of additional responsive documents existing  
95 at the time of the request, the agency shall promptly inform the requestor of the additional  
96 documents and provide the documents on an expedited basis.

97 K. If a public records officer or designee responding to a public records request  
98 believes that one or more other agencies are likely to have records that are responsive to  
99 the request, he or she should, in writing, so inform the requestor and provide the  
100 requestor with the name and contact information of the public records officer of each  
101 such agency, including the officer's title, office phone number, office address, and email  
102 address. The public records officer is not required to review records or otherwise  
103 investigate for the purpose of determining whether other agencies are likely to have  
104 additional records that are responsive to the request. This subsection is intended to  
105 enhance the public's access to public records, not to impose any legal obligation on  
106 agencies beyond those imposed by chapter 42.56 RCW.

107 SECTION 2. Ordinance 16679, Section 27, and K.C.C. 2.12.300 are each hereby  
108 amended to read as follows:

109           A.1.a. No later than April 1 of each year, the public records officer of each  
110 county agency shall submit to the county council a report on the agency's performance in  
111 responding to public records requests during the preceding calendar year. The report  
112 shall include, at a minimum, a listing of all requests that either were closed during the  
113 preceding calendar or remained open at the end of the preceding calendar year, including,  
114 for each such request:

115                   ((a-)) (1) the name of the requestor;

116                   ((b-)) (2) a summary of the request;

117                   ((e-)) (3) the date the request was received; ((and))

118                   ((d-)) (4) whether the five-day response requirement in K.C.C. section

119 2.12.250.C.1 was met;

120                   (5) the date the request was closed, if it has been closed; and

121                   (6) for each closed request for which more than six months elapsed from the  
122 date the request was received until the date the request was closed, and for each open  
123 request that had been open for more than six months at the end of the preceding calendar  
124 year, an explanation of why the request was not closed more promptly.

125                   2. For the purpose of this section, a request is closed if the agency has provided  
126 all responsive records, has indicated that there are no responsive records or that all of the  
127 responsive records are exempt from disclosure or has provided records and indicated that  
128 no additional records will be produced because the remaining records are exempt from  
129 disclosure, or if the request is closed pursuant to K.C.C. 2.12.250.F., H., or I.

130                   2. A paper original and an electronic copy of the report shall be filed with the  
131 clerk of the council, who shall email the electronic copy to all councilmembers. In the

132 electronic copy of the report, the listing of public records requests shall be in the form of  
133 an electronic spreadsheet.

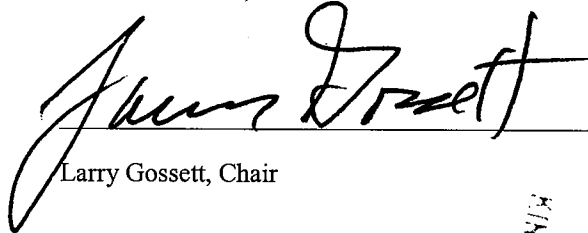
134 B. On January 15 and July 15 of each year, the county prosecuting attorney shall  
135 submit to the county council a report listing all pending lawsuits alleging that the county  
136 has violated chapter 42.56 RCW, including the name of the case, the court in which it  
137 was filed, the date on which it was filed, the case number, a brief summary of the claims  
138 made against the county and the current case status. A paper original and an electronic  
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140 copy of the report shall be filed with the clerk of the council, who shall email the  
141 electronic copy to all councilmembers.  
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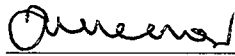
Ordinance 17128 was introduced on 6/13/2011 and passed by the Metropolitan King County Council on 6/27/2011, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,  
Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr.  
McDermott  
No: 0  
Excused: 0

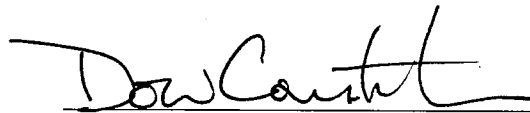
KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Larry Gossett, Chair

ATTEST:

  
Anne Noris, Clerk of the Council

APPROVED this 7 day of July, 2011.

  
Dow Constantine, County Executive

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KING COUNTY COUNCIL CLERK

Attachments: None