EvCC1060: PUBLIC RECORDS POLICY
Original Date: March 19, 2013
Revision Date: September 17, 2019
Policy Contact: Vice President of Administrative Services

CONTEXT
Everett Community College (the “College”) is an institution of higher education. Everett Community College’s central office is located at 2000 Tower St. Everett, WA 98201.

POLICY
Any person wishing to request access to public records of the College, or seeking assistance in making such a request should contact the public records officer of the College:

Executive Assistant to the Vice President of Administrative Services
Everett Community College
Mailstop #6
2000 Tower St. Everett, WA 98201
(425) 388-9079
(425) 388-9228 fax
publicrecords@everettcc.edu

Information is also available at the College’s web site at:
https://www.everettcc.edu/administration/policy/

HOW TO REQUEST RECORDS
Any person wishing to inspect or copy public records of the College should make the request in writing by letter, fax, or e-mail addressed to the public records officer and including the following information:

1. Name of requestor;
2. Address of requestor;
3. Other contact information, including telephone number and any e-mail address;
4. Identification of the public records with enough detail so that the records officer or designee can locate the records; and
5. The date and time of day of the request.

If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or to make a deposit toward payment. Requestor must also pay any postage associated with requested delivery via US mail.

Payment for printing and postage must be received at the College cashier’s office prior to printed and mailed public records being released.

Requested documents must be for identifiable records: A "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 College.

CHARGES FOR PUBLIC RECORDS

Calculating the actual costs of charges for providing public records is unduly burdensome because it will consume scarce College resources to conduct a study of actual costs, and it is difficult to accurately calculate all costs directly incident to copying records, including equipment and paper costs, data storage costs, electronic production costs, and staff time for copying and sending requested records. Instead of calculating the actual costs of charges for records, the College President or designee shall establish, maintain, and make available for public inspection and copying a statement of costs that the College charges for providing photocopies or electronically produced copies of public records, and such charges for records shall not exceed the maximum default charges allowed in RCW 42.56.120(2)(b). The College may
also use any other method authorized by the Public Records Act for imposing charges for public records including, but not limited to, charging a flat fee, charging a customized service charge, or charging based on a contract, memorandum of understanding, or other agreement with a requester. The College may waive charges assessed for records when the public records officer determines collecting a fee is not cost effective.

EXCEPTIONS

**Notice:** In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

**Records exempt from disclosure:**
The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any other statute exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by the College for inspection and copying. Exemptions include, but are not limited to:

- RCW 5.60.060 Privileged communications
- RCW 51.28.070 Worker’s compensation records
- RCW 42.56.270 Financial, commercial, and proprietary information
- 20 USC § 1232g Family Education Rights and Privacy Act
- 45 CFR 160-164 HIPAA Privacy Rule

The College is prohibited by statute from disclosing lists of individuals for commercial purposes.

Some records are exempt from disclosure, in whole or in part. If the College believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

**CONTACT AND RESPONSE**
Electronic communication is preferred when requesting documentation related to public records. There is a standard five business day response window for any request. This does not mean that the public records request will be fulfilled within five business days, but that the request will receive a response within five business days.

**PUBLIC RECORDS OFFICER**
The public records officer will oversee compliance with the act but another Everett Community College staff member may process the request as the officer’s designee.

The public records officer / designee will provide the “fullest assistance” to requestors; ensure that public records are protected from damage or disorganization; and prevent the fulfilling public records requests from causing excessive interference with essential functions of the College.

**RELEVANT LAWS AND OTHER RELATED INFORMATION**
Statutory Authority:

- RCW 5.60.060
- RCW 42.56.580
- RCW 42.56.120
- RCW 42.56.270
- RCW 51.28.070