



Title: Public Disclosure Request (PDR)

Procedure #: N/A

Date of Issuance: 8/8/2022

Date of Revision: 3/30/26

Authority and purpose

(1) RCW 42.56.070 requires KITTCOM to make available for inspection and copying nonexempt “public records” in accordance with rules. The Public Records Act (42.56 RCW hereinafter sometimes referred to as the “Act”) defines “public record” as “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.

The purpose of these rules is to establish the procedures KITTCOM will follow to provide full access to public records. These rules provide information to persons wishing to request access to public records of KITTCOM and establish processes for both requestors and staff that are designed to best assist members of the public in obtaining such access.

Agency description--Contact information—Public records officer

(1) KITTCOM has statutory responsibilities set forth in the Revised Code of Washington. Any person wishing to contact the public records officer of KITTCOM is encouraged to do so by any of the following methods:

Public Disclosure Online Portal: <https://kittcom.nextrequest.com/>

Mail:

KITTCOM
Public Records Officer
700 Elmview Rd
Ellensburg, WA 98926

Phone: 509 925 8534

Email: publicdisclosure@kittcom.gov

Fax: 509 925 8540

Information is also available at KITTCOM’S web site at <https://kittcom.gov/>

(2) The public records officer or designee will oversee compliance with the Act however other KITTCOM staff may process the request. Therefore, these rules will refer to the public records officer “or designee.” The public records officer or designee and KITTCOM will provide the “fullest assistance” to requestors; create and maintain for use by the public and KITTCOM

officials, when appropriate and not unduly burdensome, an index to public records of KITTCOM; ensure public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of KITTCOM. All public records coordinators and alternates shall complete a public records training protocol approved by the public records officer within 90 days of being appointed public records coordinator or alternate.

Availability of public records

(1) **Hours for inspection of records.** Pursuant to Criminal Justice Information System (CJIS) security standards KITTCOM's facility is not open to the public. However, if the need should arise to arrange inspection of records rather than electronic production, appointments can be made during normal business hours.

(2) **Organization of records.** KITTCOM will maintain its records in a reasonably organized manner. KITTCOM will take reasonable actions to protect records from damage and disorganization. A requestor shall not take KITTCOM records from any office without the permission of the public records officer or designee.

(3) Making a request for public records.

(a) A link is available for use by requestors at <https://kittcom.nextrequest.com/>

(b) KITTCOM accepts public records requests by letter, fax, email, via phone or in a drop box at KITTCOM.

Requests should include:

- Name of requestor;
- Address of requestor;
- Other contact information, including telephone number and any e-mail address;
- Identification of the public records adequate for the public records officer or designee to locate the records; and
- The date and time of day of the request.

(c) If the requestor wishes to have copies of the records made instead of receiving them electronically, he or she should indicate and make arrangements to pay for copies of the records or make a deposit prior to KITTCOM initiating work on the request for requests that exceed \$25.00 in billable fees.

(d) The public records officer or staff may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

(e) A "bot request" means a request that KITTCOM reasonably believes was automatically generated by a computer program or script. The public records officer does not accept an automated or bot request that is one of multiple requests received within a twenty-four-hour period, if the request would cause excessive interference with other essential functions of KITTCOM.

Processing of public records requests—general

(1) **Providing "fullest assistance."** KITTCOM is charged by statute with adopting rules which provide for how it will "provide full access to public records," "protect records from

damage or disorganization,” “prevent excessive interference with other essential functions of the agency,” provide “fullest assistance” to requestors, and provide the “most timely possible action” on public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

(2) Acknowledging receipt of request Within five (5) business days of receipt of the request, the public records officer will do one or more of the following:

- Make the records available for inspection or copying; or
- Acknowledge receipt of the request and provide a reasonable estimate of the time KITTCOM will require to respond to the request; or
- Acknowledge that KITTCOM has received the request and asking the requestor to provide clarification for a request that is unclear, and providing to the greatest extent possible, a reasonable estimate of the time KITTCOM will require to respond to the request if it is not clarified. If the requestor fails to respond to KITTCOM’s request to clarify the request, and the entire request is unclear, KITTCOM need not respond to the request.
- KITTCOM must respond to those portions of the request that are clear; or
- Deny the request.

(3) Consequences of failure to respond. If KITTCOM does not respond in writing within five (5) business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.

(4) Protecting rights of others. 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.

(5) Records exempt from disclosure. Some records are exempt from disclosure, in whole or in part. If KITTCOM believes that a record is exempt from disclosure and should be withheld, the staff member completing the request 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 non-exempt portions, and indicate to the requestor why portions of the record are being redacted.

(6) Providing records in installments. When the request is for a large number of records, the public records officer or designee will provide copies of the records requested in installments. The requestor will be notified of such a plan.

(7) 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 KITTCOM has completed a diligent search for the requested records and made any located non-exempt records available for inspection.

(8) Closing withdrawn or abandoned request. When the requestor 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 request is closed. Additionally, if the requestor does not respond within thirty (30) days to a request for clarification, the public records officer will close the part of the request that was not clarified and indicate to the requestor that the unclarified section of the request is closed.

(9) **Later discovered documents.** If, after KITTCOM has informed the requestor that it has provided all available records, KITTCOM becomes aware of additional responsive documents existing at the time of the request, it should promptly inform the requestor of the additional documents and provide them on an expedited basis.

(10) **Multiple Requests.** If a requestor has three or more public records requests pending, KITTCOM reserves the right to place those requests in a separate queue for processing, so as to not unreasonably delay processing of requests made by other requestors. If KITTCOM elects to place requests into a separate queue, KITTCOM will notify the requestor and give the requestor the opportunity to indicate the order in which they would like their requests to be processed.

(11) **Statute of Limitations.** Once a request is closed out and KITTCOM does not intend to further address the request, the one-year statute of limitations to seek judicial review starts.

Exemptions

(1) The Public Records Act exempts certain of types of documents 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 those exemptions, outside the Public Records Act, that restrict the availability of some documents held by KITTCOM. When this happens, exemptions will be explained to the requestor, but documents will be withheld or redacted appropriately.

(2) KITTCOM is prohibited by statutes from disclosing lists of individuals for commercial purposes.

Costs of providing copies of public records.

Fee Scheduled attached as Appendix B

As allowed by RCW, KITTCOM charges requestors for actual costs for providing copies of public records.

1) **Costs for paper copies.** There is no fee for inspecting public records. KITTCOM may establish, maintain and make available for public inspection and copying a statement of the actual costs that it charges for providing photocopies or electronically produced copies of public records and a statement of the factors and manner used to determine actual costs. Any statement of costs shall be adopted only after providing notice and a public hearing. KITTCOM need not calculate the actual costs it charges for providing public records if it has rules or regulations declaring the reasons for doing so would be unduly burdensome. To the extent KITTCOM has not determined actual costs because to do so would be unduly burdensome, KITTCOM may not charge in excess of those costs set forth in RCW 42.56.120. KITTCOM shall separately adopt either a statement of actual costs that it charges for providing photocopies or electronically produced copies of public records and a statement of the factors and manner used to determine actual costs or a statement declaring the reasons for doing so would be unduly burdensome. Under either circumstance, the statement or reasons shall be published along with these rules.

For large requests and the production of records over \$25, the public records officer or signee may require a deposit of up to ten percent (10%) of the estimated costs of

downloading or copying all the records selected by the requestor, including a customized service charge. 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. KITTCOM will not charge sales tax when it makes copies of public records.

2) **Costs of mailing.** KITTCOM may also charge actual costs of mailing, including \$0.74 per minute spent mailing the records plus the actual cost of postage and the envelope/shipping container.

3) **Payment**

a) Payment may be made by cash, check, or money order to:

KITTCOM

c/o Ellensburg City Hall Finance Department
501 N Anderson St
Ellensburg, WA 98926

b) Credit and Debit card payments may be made through our online portal (<https://kittcom.nextrequest.com/>)

i) Subject to a convenience fee

4) **Waiver of copying charges.** The Public Records Officer or Executive Director or designee, has the discretion to waive any charge assessed for a request. For administrative convenience KITTCOM has chosen to waive fees for copies of public records when the total fee amounts to less than \$3.00 per requestor, per calendar year.

Review of denials of public records.

(1) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) **Consideration of petition for review.** The public records officer shall promptly consider the petition and any other relevant information and either affirm or reverse the denial within five business days following the public record officer's receipt of the petition, or within such other time the public records officer and the requestor mutually agree to.

(3) **Judicial review.** Any person may obtain court review of the denial of a public records request pursuant to RCW 42.56.550.

Intergovernmental Agreement:

Members of government agencies, as defined by KITTCOM shall not incur charges for public records requests. Additionally, non-member government agencies that subscribe to communications services will also be exempt from copy fees. All other entities will be charged based on the rates listed above. The KITTCOM Director is also vested with the authority to waive fees for other public agencies.

APPENDIX B
KITTCOM Fee Schedule

Service/Size	Unit	Fee
RECORDS AVAILABLE AT NO COST		
In-person records <i>inspection</i> at KITTCOM facility by appointment (no copies provided)	Appointments can be made during regular business hours. Time slots are between 30 minutes and 2 hours	No charge
Records on KITTCOM website	Direct link to certain documents already available at https://kittcom.gov	No charge
Fee Waived	The first \$3.00 of public record fee each calendar year per requestor will be waived.	No charge
PAPER COPIES		
Standard paper copies (paper size 11x17 or smaller)	Black and white copies per page	\$0.25 per page plus staff time making copies at \$0.74 per minute
COPYING ELECTRONIC RECORDS		
Copying electronic records to the Public Request Portal	Per electronic record file	\$0.25 per record
Copying records to a storage device (USB drive or CD)	Per electronic record file	\$0.25 per record plus the actual cost of storage device listed below
Electronic records storage	Per gigabyte (GB) of files	\$0.10 per GB
OTHER RECORDS FEES		
Mailing records	Per envelope/package/postage	\$0.74 per minute spent mailing records plus the costs to mail records including postage, envelope, or container for delivery
Digital records storage device (USB drive or CD)	Per device	Actual cost of USB drive (currently \$4.00) or CD (currently \$.50)