



**DEPARTMENT:** Administration/City Clerk

**AUTHORIZED BY:** City Manager/City Clerk

**EFFECTIVE DATE:** 11/19/14

**REISSUE DATE:** 11/19/2014

**SUPERSEDES:** All previous policies

***POLICY: PUBLIC RECORDS DISCLOSURE***

**PURPOSE**

The City of Yakima is committed to providing full access to public records in accordance with the Washington State Public Records Act (RCW Chapter 42.56). The purpose of the Act is to provide the public with full access to records concerning the conduct of government, mindful of individual privacy rights and the desirability of the efficient administration of government. This administrative regulation is adopted to establish the procedures the City of Yakima will follow to provide for the fullest assistance to requestors and the timeliest possible action on requests while protecting public records from damage and preventing “excessive interference with other essential functions of the agency.” RCW 42.56.100. This regulation supersedes prior versions of ADM 1500 and is subject to revision at any time.

**Central and Field Offices.** The City of Yakima’s central office is City Hall, located at 129 North Second Street in Yakima, Washington 98901. The City has offices in various locations for Departments such as the Police Department, the Fire Department, and Municipal Court. More information regarding the City of Yakima and its offices may be obtained through the City’s website, [www.yakimawa.gov](http://www.yakimawa.gov).

**Public Records Officer.** The City of Yakima has publicly identified a Public Records Officer whose responsibility is to serve as a point of contact for Public Records Act requests. The Public Records Officer oversees compliance with the Washington State Public Records Act, although other city staff members may process public records requests.

**How to Request Records.** Any person wishing to request access to public records<sup>1</sup> or seeking assistance in making such a request should direct their request to the Public Records Officer. The Public Records Officer is located at:

---

<sup>1</sup> Public records are defined as “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 any state or local agency regardless of physical form or characteristics.” RCW 42.56.010(3). “Writing” means “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.” RCW 42.56.010(4).

Public Records Officer  
City Clerks Office  
129 North 2nd Street  
Yakima, Washington 98901

Phone: (509) 575-6037  
Fax: (509) 576-6614  
Email: [public.records@yakimawa.gov](mailto:public.records@yakimawa.gov)

The City Clerk's office hours are 8 a.m. to 5 p.m., Monday through Friday, excluding holidays. A variety of records are available on the City's website at [www.yakimawa.gov](http://www.yakimawa.gov). Requestors are encouraged to view records available on the website prior to submitting a records request.

Requestors who are only seeking records from individual Departments may contact those Departments directly at the following locations, Monday through Friday, excluding holidays:

Yakima Police Department  
Attn: Police Services Division/Disclosure  
200 South Third Street  
Yakima, Washington 98901  
Phone number: (509) 575-6220  
Fax number: (509) 575-3032  
Email: [ypd@yakimawa.gov](mailto:ypd@yakimawa.gov)  
Office Hours: 8 a.m. to 5 p.m.

Yakima Fire Department  
Attn: Fire Secretary/Disclosure  
401 North Front Street  
Yakima, Washington 98901  
Phone number: (509) 575-6060  
Fax number: (509) 576-6356  
Email: [rita.mantey@yakimawa.gov](mailto:rita.mantey@yakimawa.gov)  
Office Hours: 8 a.m. to 5 p.m.

SunComm (Public Safety Communications - 911)  
Attn: Manager/Public Disclosure  
200 South Third Street  
Yakima, WA 98901  
Phone number: (509) 575-3536  
Fax number: (509) 576-6555  
Office Hours: 8 a.m. to 5 p.m.

Yakima Municipal Court files are not subject to the Public Records Act. Access to these records may be sought by contacting the Yakima Municipal Court, located at 200 S. Third St., Yakima, WA 98901, (509) 575-3050.

**Form of the Request.** Requests for records should be in writing. Requestors are encouraged to use forms prescribed by the City Clerk, which are available at the City Clerk's Office and on the City of Yakima's website. Requests may be submitted in person, by mail, fax, or e-mail. E-mail will be considered received on the date the message is stamped "received", not on the date sent. Requestors seeking records from individual Departments should use the forms provided by those Departments. Requests should include the following information:

1. The name, mailing address, and daytime phone number of the person making the request;
2. The date of the request; and
3. The nature of the request, including an identification of the public records adequate for the City Clerk or designee to be able to locate the records.

**Response to Requests.** The City will process requests in the order allowing the most requests to be processed in the most efficient manner. Within 5 business days of receiving a request, the City will either (1) provide the record; (2) acknowledge that it has received the request and provide a reasonable estimate of the time it will require to respond to the request; or (3) deny the request. RCW 42.56.520. Additional time to respond may be based on the need to clarify the intent of the

request, to locate and assemble the records, to notify third persons or agencies affected by the request and provide such persons with the opportunity to seek a court order preventing disclosure where appropriate, and/or to determine whether any of the information requested is exempt from disclosure. If a requestor fails to clarify an unclear request, the City will treat the request as having been withdrawn.

Requested records may be made available on a partial or installment basis. If an installment is not claimed, the City will not fulfill the balance of the request. RCW 42.56.120.

All denials of requests for public records will be accompanied by a written statement specifying the reason(s) for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. RCW 42.56.210(3).

This policy does not require the City to answer written questions, create new public records, or provide information in a format that is different from original public records.

**Preservation of Public Records.** No member of the public may remove a public record from a viewing area or disassemble or alter any public record.

**Mechanism for Review of Denial.** Any person who objects to the denial of a public records request may petition in writing to the City Clerk 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. The City Clerk shall perform a review of the denial as promptly as possible. Judicial review of a denial of an opportunity to inspect or copy a public records is discussed in RCW 42.56.550, entitled "Judicial review of agency actions."

**Fees.** The fees for copies of public records are as stated in the attached Fee Schedule. When public records are mailed to a requestor, a charge for actual postage and the cost of the envelope or container used may be added. No fee is charged for inspection of a public record or for locating a record. RCW 42.56.120. Fees may be waived due to the few number of copies made or other circumstances. When a change in the established cost schedule is required, the City Clerk, in consultation with appropriate Department(s), shall change the schedule by filing a new Fee Schedule. Payment of fees is required prior to release of records unless other arrangements have been made.

**Deposit.** The City may require a deposit of up to 10% of the estimated cost of copying records prior to copying any records for a requestor. The City may also require payment of the remainder of the cost before providing all of the records, or the payment of the costs of copying an installment before providing that installment. RCW 42.56.120.

**Organization of Public Records.** The City finds that maintaining an index as provided in RCW 42.56.070(3) for use by the public would be unduly burdensome and would interfere with agency operations given the high volume, various locations, and types of public records received, generated, and otherwise acquired by the City. RCW 42.56.070(4). Notwithstanding the foregoing, the City will maintain its records in a reasonably organized manner and take reasonable actions to protect records from damage and disorganization.

**Records and Information Exempt from Public Disclosure.** The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. RCW 42.56.230 through 42.56.480 contain a large number of exemptions from public inspection and copying.

RCW 42.56.070(9) specifically prohibits the City from disclosing lists of individuals for commercial purposes.

“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.” RCW 42.56.070(2). The City of Yakima incorporates by reference Appendix C, “Exemption and Prohibition Statutes Not Listed in Chapter 42.56 RCW” of the Public Records Act publication by Municipal Research and Services Center (“MRSC”), which is attached to this Public Records Disclosure Policy.

# Appendix C

## Exemption and Prohibition Statutes Not Listed in Chapter 42.56 RCW

### **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.

MRSC will keep updating this list on our web site. If you become aware of additions or corrections that should be made to the list, please notify one of the staff attorneys at MRSC. Some of the exemptions and prohibitions on the list concern public record information that may not be relevant for your jurisdiction. For instance, cities would not normally have records regarding marriage license applications or adoption records.

### Washington State Statutes

Citation	Records
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

Citation	Records
	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

<b>Citation</b>	<b>Records</b>
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
Chapter 40.14 RCW	Preservation and destruction of public records
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

Citation	Records
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

Citation	Records
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

Citation	Records
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

### 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

**CITY OF YAKIMA PUBLIC RECORD REQUEST  
FEE SCHEDULE**

Cities are not allowed to charge for staff time spent in locating a public record, or for making a record available for inspection. A city can, however, charge for the actual costs connected with copying public records, including the staff time spent making the copies. RCW 42.56.120. Actual costs for mailing can be included, including the cost of the envelope or shipping container. WAC 44-14-070(3). A city can use an outside vendor to copy records, including photographs, blueprints, or tape recordings, and bill the requestor for the amount charged by the vendor. WAC 44-14-07001(5).

Standard photocopies letter or legal, per page .....	\$0.15
(RCW 42.56.120)	
Digital images (photocopier scans) of paper records.....	\$0.10
per page/side	
Y-PAC video recording DVD/VHS .....	\$5.00
Recording fee is based on 15 minutes recording time. Actual cost may be more depending upon copying time.	
Maps--zoning, land use, traffic, Boundary Maps:	
44" x 6' large format wall map.....	\$20.00
42" x 24" small format wall map.....	\$10.00

**CITY OF YAKIMA FIRE DEPARTMENT**

Standard photocopies letter or legal, per page .....	\$0.15
Digital images (photocopier scans) of paper records.....	\$0.10
per page/side	
Photo/video recording DVD/VHS .....	\$6.00

Photo/video recording fee is based on 15 minutes recording time. Actual cost may be more depending upon copying time.

**CITY OF YAKIMA SUNCOMM 9-1-1**

Standard photocopies letter or legal, per page .....	\$0.15
Digital images (photocopier scans) of paper records.....	\$0.10
per page/side	
CD recording/copy .....	\$5.00

CD copying fee is based on 15 minutes recording time. Actual cost may be more depending upon copying time.

**CITY OF YAKIMA POLICE DEPARTMENT  
Public record and other fees schedule**

Standard photocopies letter or legal, per page.....	\$0.15 each
Digital images (photocopier scans) of paper records.....	\$0.10
per page/side	
Traffic Accident Report, per report .....	\$9.50 each
Verification/Clearance Letter . .....	\$10.00 each
Coban Video on DVD, (per DVD) and Digital Photos on CD-Rom, (per CD)	\$8.00 each
Copying fee is based on 15 minutes recording time. Actual cost may be more depending upon copying time.	
Fingerprinting.....	\$10.00 per
person/up to 2 cards	
CPL (Concealed Pistol Permit)	
New Permit (application fee \$36.00 + fingerprinting \$16.50)	\$52.50
Renew (prior to expiration)	\$32.00
Renew (within 90 days of expiration)	\$42.00
Replacement	\$10.00

Fees may be charged above the basic fee schedule if a department has determined specific charges for a particular record.

Yakima Municipal Court files are not subject to the Public Records Act. Access to these records may be sought by contacting the Municipal Court directly.

If a requestor has not reviewed or claimed records within thirty days of notice that the records are available or fails to make payment, the City of Yakima may close the request. RCW 42.56.120. If requested records contain information that may affect rights of others, before providing the records the City of Yakima may give notice and allow time for action by other parties.