

SPOKANE VALLEY FIRE DEPARTMENT
Board of Fire Commissioners
Policy for Records #019

Authority:

CBA

Resolution Number 96-96

RCW 51.16.070

RCW 51.48.040

RCW 51.28.070

Ch. 13.50 RCW

RCW 70.96A.150

RCW 71.05.390

RCW 26.09.225

Ch. 70.24 RCW

Title 70 RCW

RCW 43.43.830-.840

Ch. 42.17 RCW

Ch. 40.24 RCW

Ch. 71.34 RCW

42 USC Sec. 12101 et. seq

29 USC Sec 657 et.seq.

42 USC Sec. 29 Odd-2

Ch 49.17 RCW

Industrial Insurance

Industrial Insurance

Industrial Insurance

Juvenile Justice

Alcohol & Drug Abuse Treatment

Mental Health

Domestic Relations

Sexually Transmitted Diseases

Health Care Information Act

Background Checks

Open Public Records Act

Address Confidentiality for Victims of
Domestic Violence

Mental Health Services for Minors

Americans with Disabilities Act

Occupational Safety and Health Act

Federal Law on Substance Abuse Records

Washington Industrial Safety & Health Act

Policy:

This policy and procedure shall apply to members of the public and to all District personnel including officers, paid and volunteer employees, independent contractors who are retained by the District and Commissioners.

To ensure the protection of the District records and to prevent the improper disclosure of records, no District personnel shall have access to District records, without the approval of the District records retention officer, unless their regular job duties require access.

To protect the confidentiality of information contained in all records, including personnel records, the following procedures shall be used in the event the District's record retention officer is requested by a member of the public or District personnel allow the inspection or copying of District records including personnel records.

I. Access to Public Records

1. **Public Record.** Public records of Spokane Valley Fire District include any writing containing information relating to the conduct or performance of any governmental function prepared, owned, used or retained by the District except records and information exempt from public inspection and copying under RCW 42.17.310.

2. Public Records Availability. All public records of the District as defined above are available for public inspection and copying pursuant to these rules, except as otherwise provided by federal and state law.

3. Location of Records. The District's Public records shall be maintained at the District headquarters station, presently located at 2120 N. Wilbur, Spokane Valley, WA 99206, in the custody of a designated employee who shall be responsible for the implementation of these rules.

4. Hours for Inspection and Copying. Public records shall be available for inspection and copying during the normal office hours of the District which are from 7:30 a.m. to noon and from 1:00 p.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

5. Requests for Public Records. In accordance with the provisions of chapter 42.17 RCW public records may be inspected and copied, or copies obtained by members of the public as follows:

5.1 Requests shall be made in writing to the District Records Custodian on a form provided by the District and shall include the following information:

5.1.1. The name and address of the person requesting the record.

5.1.2. The time of day and calendar date on which the request is made.

5.1.3. The nature of the request

5.1.4. If the matter requested is referenced in a current index maintained by the District, a reference to the requested record as it is described in such index.

5.1.5. If the requested matter is not identifiable by reference to an index, an appropriate description of the record requested.

5.1.6. The requested record is a list of individuals and a signed statement that the information obtained will not be used for commercial purposes.

5.1.7. All mailed requests shall contain the information described above and shall be mailed to Spokane Valley Fire District, 2120 N. Wilbur, Spokane, WA 99206.

5.3. In all cases in which a member of the public is making a request it shall be the obligation of the employee to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

6. Duties of Records Custodian. The Records Custodian of the fire district shall be the Fire Chief or his or her designee secretary to the Board of Fire Commissioners. The Records Custodian shall undertake the following analysis with respect to all requests:

6.1. The Records Custodian shall review the request form and shall review the requested record to determine the nature of the information contained in the record and to determine

whether or not the release of the requested record is exempt from public inspection under RCW 42.56 (formerly RCW 42.17.310).

6. 2. The Records Custodian shall review the request form and shall review the requested record to determine the nature of the information contained in the record and to determine whether or not the release of such information would invade an individual's right to privacy as protected by chapter 42.56 RCW.

6.3. If the record requested is classified as a Medical Record the Records Custodian shall determine whether the patient has authorized disclosure of the Medical Record pursuant to RCW 70.02.030. In the absence of the patient authorization the Records Custodian shall determine whether the requester is an authorized recipient of the record as defined in RCW 70.02.050.

6.4. If the disclosure of the record requested is restricted by other federal or state statute, the Records Custodian shall comply with the restrictions or the procedures required for the requested information.

6.5. In the event it is determined that there would be no violation of the right to privacy by the disclosure of the record or any information contained in the record or that the information is not exempt from disclosure, the Records Custodian shall determine if the record may be inspected or copied in its entirety and if so, the inspection or copying shall be permitted.

6.6. In the event the record contains confidential information and public information, the Records Custodian shall segregate the public information from the confidential information, prepare a copy of the record showing only the disclosable portion and release or permit copying of only the public information.

7. Response to Request For Records. The Records Custodian, within five business days after receipt of the request (within fifteen business days of a patient's request for the patient's medical records) shall take one of the following actions:

7.1. In the event the Records Custodian determines that the request requires clarification, the Records Custodian shall acknowledge receipt of the request and ask the requester to clarify what information the requester is seeking. If the requester fails to clarify the request the Records Custodian shall provide no further response.

7.2. In the event the Records Custodian determines that a full response will take longer than five business days after receipt of the request the Records Custodian shall acknowledge receipt of the request and provide a reasonable estimate of when the District will respond. The determination of the time required to respond to the request will be based on a consideration of the following factors:

7.2.1. Clarity of the request,

7.2.2. Time required to locate and assemble the information requested,

7.2.3. Time required to notify third persons or agencies affected by the request,

7.2.4. Time required to determine whether any of the information requested is exempt.

7.2.5. Time required to obtain the consent of a person identified in the record if consent is required by statute.

27.3. Provide the record for inspection or provide a copy of the record if requested;

7.4. Deny the request.

7.4.1. All denials of requests for public records and all deletions of identifying details shall be accompanied by a written statement specifying the reason for the denial or deletion, including a statement of the specific statutory exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record. See RCW 42.56 (formerly 42.17.310).

7.4.2. Denials of a patient's request for the patient's medical records shall comply with the requirements specified in RCW 70.02.090.

8. Review of Denials.

8.1 If the requesting party still demands to inspect or copy the record or portion of the record which has been deemed not to be disclosable, the Records Custodian shall immediately take the following steps:

8.1.1 Refer the request and the denial to the District review authority.

8.1.2 Notify the individual named in the record of the request and attempt to obtain a release from the individual who is named in the record.

8.2. Any person who objects to the denial of a request to inspect or copy a public record may petition for a prompt review of the decision by submitting a written request for review.

8.3. Upon receipt of a written request for review of a decision denying inspection or copying of a public record, the employee to whom the request has been submitted shall refer it to the District Review Authority. The District Review Authority shall immediately consider the matter and either affirm or reverse the denial. The final decision shall be rendered to the individual who requested the record within two business days after the denial of the request. The District Review Authority is the District Fire Chief.

8.4. In the event the request for the record or information from the record is made by an elected or appointed official of the District, the information is deemed to be needed for the proper performance of the official's duties and consent to the release of the information cannot be obtained, the official shall be required to sign a confidentiality agreement before being allowed access to the requested information.

8.5. Administrative remedies shall not be considered exhausted until the District has returned the request with the decision or until a period of two business days has elapsed after the denial of the request.

9. Fees. Except as provided in paragraph 9.2, no fee shall be charged for the inspection of public records. The following charges shall be imposed to reimburse the district for costs incurred in providing public records. In the event the district is requested to mail copies an additional charge in the amount of the actual or estimated postage and the cost of the container shall be made.

9.1. General Records. With the exception of incident reports the District shall charge a fee of \$0.15 per page for each copy of a District record.

9.2 Fire Incident Reports. In accordance with Chapter 70.02 RCW the District shall charge a clerical fee for searching and handling requests for fire incident reports in an amount not to exceed \$16.00 for each report.

9.3. Medical Incident Reports. In accordance with Chapter 70.02 RCW the District shall charge a clerical fee for searching and handling requests for medical incident reports in an amount not to exceed \$16.00 for each report.

10. Records Index. The District may not maintain a complete current index which provides identifying information as to all of the records maintained by the District and, due to staffing and resource levels, the creation of a complete index would be unduly burdensome to the District.

Adopted:
Spokane Valley Board of Fire Commissioners:
October 2, 1996

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Spokane Valley Board of Fire Commissioners:
September 28, 2015

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