



# Public Records Compliance

Informational Briefing

City of Tacoma | City Manager's Office

Government Performance and Finance Committee

November 19, 2019

ITEM 3



## AGENDA



- Purpose and Objectives
- Background
- Current Process
- Recommended Process
- Benefits of Recommended Process
- Next Steps

## ●●● PURPOSE & OBJECTIVES



**Informational Briefing to inform Council that the City Manager will implement rules to govern the Public Records Disclosure (PDR) process in order to:**

- Provide **guidance** and **transparency** to requesters
- Provide consistency to City staff process of receiving and fulfilling requests
- Align with PDR best practices
- Address growing in complexity and volume of requests
  - City received 2,350 PDRs in 2018

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## ●●● BACKGROUND



- RCW (Chapter 42.56) Washington State Public Records Act (PRA):
  - Requires all public records maintained by state and local agencies be made available to all members of the public, with very narrow exemptions
  - Provides statutory framework for disclosure of public records
- WAC (44-14) Washington State Attorney General's Model Rules on Public Disclosure
  - Provides guidance to state agencies. Not specific to local government.

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## BACKGROUND



- The public records act requires governments to adopt and enforce reasonable rules and regulations which:
  - Assure full access to public records
  - Protect public records from damage and disorganization
  - Prevent excessive interference with other essential functions
  - Provide “fullest assistance” “most timely possible action” to requesters.
- Governments may also adopt reasonable administrative rules concerning form of requests.

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## CURRENT PROCESS



City does not have official or published Public Records Act rules or policy to guide staff and requesters

- State law (RCW 42.56 and case law) and Model Rules provide direction
- No City specific rules or policies guide categorization or prioritization of multiple and complex requests
- Requests may come through any city employee, in any form
  - Email, phone, written, GovQA portal, 311, customer service, etc.
  - Creates increased opportunity for misplacement of request or missed deadlines
  - GovQA is preferred method -- allows centralized management lets requesters monitor status of requests



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## What the City Needs



### WHAT

- Adoption and implementation of rules to regarding form of request and process for response
- Staff will adopt administrative rules that provide guidance to requesters and a consistent process for City employees to receive and respond to requests, including by the use of a complexity model

### WHY

- Inform the public of how the public disclosure system works
- Provides a transparent framework
- Guide the disclosure process for employees
- Help ensure proper receipt and flexible and efficient handling of requests



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## BENEFITS OF ADDITIONAL STRUCTURE



### Benefits to the Public

- Clear instruction for requesters to effectively submit a public records request
- Requesters can monitor the progress of their request
- Requesters can see the volume of pending requests and better understand the timeframes for response

### Benefits to the City

- Clear process to respond to requests by a framework based on volume and complexity –gives Public Records Office staff efficiency and flexibility
- Clear written guidance to aid all staff in advising requesters to use GovQA



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## RECOMMENDATIONS



Adopt a Resolution directing the City Manager to adopt rules detailing the City's processes for responding to PDRs in order to:

- Help ensure all requests are properly received and handled
- Become more transparent and effective for the public in the process
- Provide staff with clear guidance on how to handle PDRs and a complexity model to provide appropriate service to requesters.

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## COMPLEXITY MODEL SUGGESTION



Category Level	Response Priority	Typical Characteristics
Category 1 Simple	One to five workdays	Routine or readily filed request for easily locatable documentation.
Category 2 Normal	Six to twenty workdays	<ol style="list-style-type: none"> <li>1) medium in volume</li> <li>2) Easily located</li> <li>3) Require coordination between various department PDR coordinators</li> <li>4) Third party notice</li> <li>5) Exemption log</li> </ol>
Category 3 Complex	Twenty-one to sixty workdays	<ol style="list-style-type: none"> <li>1) Large in volume</li> <li>2) Not easily located</li> <li>3) Require coordination between various departments and involve multiple staff persons, including staff that are not assigned PDR coordinators</li> <li>4) Third party notices</li> <li>5) Require legal review and the creation of a withholding index /exemption log.</li> </ol>

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## COMPLEXITY MODEL SUGGESTION



Category 4 Exceptional/Voluminous	Requiring more than sixty workdays for processing.	<ol style="list-style-type: none"> <li>1) Extremely large in volume</li> <li>2) Not easily located</li> <li>3) Require coordination between various departments and involve multiple staff persons, including staff that are not assigned PDR coordinators</li> <li>4) Third party collection of documents               <ol style="list-style-type: none"> <li>a) Involving outside legal counsel or contractors or sub-contractors</li> </ol> </li> <li>5) Third party notices</li> <li>6) Require legal review, and the creation of a withholding index /exemption log which include extensive redactions</li> </ol>
Category 5 Expedited	Immediate	In the interest of public safety

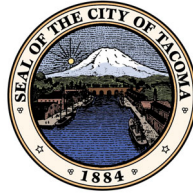
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## ADMINISTRATIVE NEXT STEPS



Month (2019)	PROCESS STEPS
<b>November</b>	<ul style="list-style-type: none"> <li>• Finalize policy concept with the support of council               <ul style="list-style-type: none"> <li>• Analyze and provide feedback on proposed resolution and corresponding rules</li> </ul> </li> </ul>
<b>December</b>	<ul style="list-style-type: none"> <li>• Introduce policy concept at study session</li> <li>• Bring forth resolution to council</li> <li>• City manager adopt resolution</li> <li>• Implement resolution (if approved)</li> <li>• Finalize, adopt and publish rules</li> </ul>

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