

## Section 5

### Public Records

#### 5.2. Process for Disclosure

##### 5.2.1 Immediacy of Response

- A. The deadlines listed in this section are appropriate for extensive or demanding requests but should not be used to delay fulfilling simple or routine requests.
- B. If a request for any public information is presented to a City employee who is not responsible for responding to the request, it must be forwarded, by the end of the business day on which it was received, to the City employee responsible for responding to the request or to the employee's supervisor if that employee is out of the office that day.
- C. **[Referred to the Technology Subcommittee]** By the end of the business day on which the City employee responsible for responding to the request receives it, he or she must acknowledge receipt of the request to the requestor.
- D. For simple or routine requests, by the end of the next business day after the date the City employee responsible for responding to the request acknowledges receipt of the request to the requestor, the City employee responsible for responding to the request must provide a response and the requested public information.
- E. For extensive or demanding requests, no later than 3 business days from the date the City employee responsible for responding to the request acknowledges receipt of the request to the requestor, the City employee responsible for responding to the request must provide a response, which will include either the requested public information or an estimate as to when the requested public information will be available. The requested information must be provided within 10 calendar days of the date the City employee responsible for responding to the request acknowledges receipt of the request to the requestor. This deadline may be extended by mutual agreement between the City and the requestor.
- F. If the City believes that the requested public information or a portion of the requested public information is exempt, the City employee responsible for responding to the request must so determine and report to the requestor within 10 calendar days from the date the City employee responsible for responding to the request acknowledges receipt of the request to the requestor. The response must also include the public information, if any, that the City believes is not exempt. This deadline may be extended by mutual agreement between the City and the requestor.

- G. In unusual circumstances, the City employee responsible for responding to the request may notify the requestor in writing that an extension of the 10-day period for an additional period no longer than 14 calendar days is necessary. The City employee responsible for responding to the request who seeks an extension must notify the requestor as soon as possible but no later than 10 calendar days from the date the City employee responsible for responding to the request acknowledges receipt of the request to the requestor. This deadline may be extended by mutual agreement between the City and the requestor. "Unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:
1. The need to search for and collect the requested records from storage facilities that are separate from the office processing the request.
  2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
  3. The need for consultation, which must be conducted with all practicable speed, with another agency having substantial interest in the determination of the request.
  4. The need to write programming language or extract data that would not otherwise be extracted.
- H. In order to comply promptly with requests that involve multiple documents, the City employee responsible for responding to the request will, upon request, release documents as they become available, where such an approach is both practical and pertinent. This section is intended to prohibit the unnecessary withholding of public information that is responsive to a public records request until all potentially responsive documents have been reviewed and collected.

## **2.2 Justification of Withholding**

If the City believes that the requested public information or a portion of the requested public information is exempt, the City employee or attorney responsible for responding to the request must explain, in writing, when responding to the request, the basis for withholding the information by citing the specific statutory or case authority.

## **2.3 Withholding Kept to a Minimum**

- A. Information that is exempt from disclosure must be redacted or otherwise segregated so that the nonexempt portion of requested public information may be made available. The reason for redaction or segregation must be explained.

- B. The work of responding to a request for public information and making public information available must be considered part of the regular work duties of the City employee and no fee will be charged to the requestor to cover the personnel costs of responding to a request for public information.
- C. **[Referred to the Technology Subcommittee]** To the extent that it is technologically and economically possible, forms and computer systems used by the City relating to the conduct of the public's business should be designed to ensure convenient, efficient, and economical access to public information, including making public information easily accessible over public networks such as the Internet. Specifically, forms and computer systems should be designed to:
  - 1. Segregate exempt information from non-exempt information.
  - 2. Reproduce electronic copies of public information in a format that is generally recognized as an industry standard format.

#### **2.4 Fees for Duplication**

- A. Before any fees are incurred, the City employee responsible for responding to the request must notify the requestor of the estimated cost to respond and the requestor must agree to pay the estimated cost.
- B. The fee for photocopying any public information in response to any request to the City is .10 per page for the first 50 pages. After the first 50 pages, the fee will be set at a standard level of cost recovery as adopted by the City Council during the annual fee-setting process. That level is currently .20 per page.
- C. A fee of \$\_\_ per hour will be charged for responding to any request for public information that either (1) is produced only at otherwise regularly scheduled intervals, if the interim production of the report cannot be achieved without a substantial burden on City staff; or (2) requires the City to write programming language or extract data that would not otherwise be extracted. For purposes of computing charges under Section 2.4 (B), any limitations contained in Section 2.3 (B) do not apply. **[The City Clerk agreed to survey other jurisdictions for the fees charged.]**