

**Spokane Regional Broadband Development Authority**

**BROADLINC**

**RESOLUTION NO. 2023-12**

**[Adoption of a Public Records Policy]**

**WHEREAS**, the Spokane Regional Broadband Development Authority BROADLINC (the "PDA") was created by the Spokane County Commissioners on December 13, 2022, by Resolution 2022-0825; and

**WHEREAS**, the PDA has a need, as a quasi-governmental entity, to adopt a public records policy to inform of the public request process for and the dissemination of public records; and

**WHEREAS** the PDA will update its Public Records Policy from time to time; and

**WHEREAS** the PDA finds it desirable for the efficient and effective governance of the Corporation's affairs to adopt a Public Records Policy, a copy of which is attached hereto as "**Exhibit A.**"

**WHEREAS**, pursuant to the corporate bylaws, the affirmative vote of a simple majority of board members is required to adopt board policies;

**BE IT RESOLVED**, that pursuant to the authority provided in the Corporation's bylaws, the Board of Directors hereby adopts the Public Records Policy found in "**Exhibit A.**"

**BE IT FURTHER RESOLVED** that the officers of the Corporation are hereby authorized and directed to take all action necessary and proper to effectuate the foregoing.

**BE IT FURTHER RESOLVED**, any actions of the Board of Directors or staff of the PDA prior to the date hereof and consistent with the terms of this resolution are ratified and confirmed.

**ADOPTED** by an affirmative majority vote of the Board of the Spokane Regional Broadband Development Authority BROADLINC on this 5<sup>th</sup> day of July 2023.

**SPOKANE REGIONAL BROADBAND DEVELOPMENT AUTHORITY BROADLINC**

  
Board Chair

RESOLUTION 2023-12

**CERTIFICATE**

I, the undersigned, Vice Chair of the Spokane Regional Broadband Development Authority BROADLINC Board of Directors, a municipal corporation organized under the laws of the State of Washington, do hereby certify that the foregoing resolution was duly approved and adopted by the Board of Directors of the CORPORATION AT A meeting of the Board of Directors duly called and held on the 5<sup>th</sup> day of July 2023, at which meeting a quorum was present; and that said resolution, as set out above, will appear in the minutes of said meeting in the corporation's minute book.

DATED this 19<sup>th</sup> day of July, 2023.



Vice Chair

## **PUBLIC RECORDS POLICY**

Effective Date: \_\_\_\_\_

### **Authority and Purpose**

It is the policy of the Spokane Regional Broadband Development Authority BROADLINC (“BROADLINC”) to release records of BROADLINC in compliance with the Public Records Act (“Act”), Chapter 42.56 RCW, and any other applicable provisions of federal or state law. Records will be released to provide full access to information concerning the conduct of BROADLINC while being mindful of individuals’ privacy rights, the desirability of the efficient administration of government, protect public records from damage or disorganization and to prevent excessive interference with other essential functions of BROADLINC (RCW 52.56.100).

The purpose of this policy is to establish the procedures that BROADLINC will follow to respond to requests made for records under the Act. This policy provides information to persons wishing to request access to public records of BROADLINC and establishes processes for both requestors and BROADLINC staff.

### **Agency Information, Contact Information, Public Records Officer**

BROADLINC is a legal entity organized under RCW 35.21.730-.757 and authorized under RCW 43.330.530 through RCW 43.330.538 to undertake, assist with and otherwise facilitate benefit projects within Spokane County.

BROADLINC has an administrative office located at 1026 West Broadway Ave to receive requests. Information is also available at the website [www.BROADLINC.org](http://www.BROADLINC.org) through the “Contact” form.

The public records officer will oversee compliance with the Act and will aid requesters.

Public records are available for inspection and copying upon request. Records must be inspected by BROADLINC designated employees. BROADLINC will maintain its records in a reasonably organized manner consistent with available resources. The BROADLINC public information officer, designated employee, may take any steps deemed necessary to protect and preserve records from damage, alteration, or disorganization.

A requestor shall not alter, disorganize, damage, take or remove records from the BROADLINC. In the event of such unauthorized action, BROADLINC reserves the right to recover from all persons responsible, all costs of record recovery, including direct costs as well as all claims for consequential loss or damage, in addition to prosecution under the law.

### **Making a Request for Public Records**

Any person wishing to inspect or copy public records of BROADLINC must make the request in writing, using the Public Records Request Form available on the BROADLINC website, and shall electronically mail the same to the Record’s Custodian using the email address listed for that individual on the BROADLINC website. 1

A question or request for information is not a request for a record. BROADLINC will have no responsibility to respond to or process any public records request not made using the Public Records Request Form and not sent directly to the Record’s Custodian via the email address listed on the BROADLINC website.

If the requestor wishes to have copies of the records made instead of simply inspecting them (for which there is no fee), he or she should so indicate and make arrangements to pay for copies of the records via check or exact cash to the listed charges as stated in RCW 42.56.120 and are as follows:

- Fifteen cents per page for photocopies of public records, printed copies of electronic public records when requested by the person requesting records, or for the use of agency equipment to photocopy public records;
- Ten cents per page for public records scanned into an electronic format or for the use of agency equipment to scan the records;
- Five cents per each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery; and
- Ten cents per gigabyte for the transmission of public records in an electronic format; and
- The actual cost of any digital storage media or device provided by the agency, the actual cost of any container or envelope used to mail the copies to the requestor, and the actual postage or delivery charge.

BROADLINC will not be responsible for processing requests that do not otherwise conform with the requirements of this Section.

### **Procedure**

BROADLINC 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.

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 in whole or in part; or
- If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor; or
- Provide a reasonable estimate of when records will be available; if not furnished in whole; or
- If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer may revise the estimate of when the records will be available; or
- Deny the request, in whole or part.

If BROADLINC 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.

If the requested records contain information that may affect the 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 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.

Some records are exempt from disclosure, in whole or in part. If BROADLINC believes that a record is exempt from disclosure and should be withheld, the public records officer 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.

Consistent with other demands, BROADLINC shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy.

The requestor must claim or review the assembled records within thirty (30) days of notification to him/her that the records are available for inspection or copying. BROADLINC will notify the requestor in writing of this requirement and inform the requestor that he/she should contact BROADLINC to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty (30) day period or make other arrangements, BROADLINC may close the request and re-file the assembled records.

When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty (30) days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying if necessary. Additionally, when the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that BROADLINC has completed a diligent search for the requested records and made any located non-exempt records available for inspection.

When the requestor either 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 days to a request for clarification, the public records officer will close the request and indicate to the requestor that the request is closed.

If, after BROADLINC has informed the requestor that it has provided all available records, BROADLINC becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis

### **Exemptions**

The Public Records Act provides that several types of documents are exempt 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 BROADLINC for inspection and copying. There may be other statutes that restrict or limit the disclosure to the public. These exemptions are listed, reviewed, and approved separately.

BROADLINC is prohibited by statute from disclosing lists of individuals for commercial purposes.

If a public record contains personal information that identifies an individual or organization other than the subject of the requested public record, the BROADLINC may notify that individual or organization to allow the party to seek relief pursuant to RCW 42.56.540. Such relief may include a court injunction prohibiting release of the record because such examination would not be in the public interest and would substantially and irreparably damage any person or vital governmental function. BROADLINC may take the above into account when providing an estimate when the records will be available. Nothing in this policy is intended to create any right to such notice.

Personal information in files maintained for BROADLINC employees, to the extent that disclosure would violate their right to privacy, including but not limited to addresses, phone numbers, Social Security numbers, voluntary deductions, marriage status, number of dependents, and any garnishment deductions.

### **Review of Denials of Public Records**

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.

The public records officer shall promptly provide the petition and any other relevant information to the Executive Director of BROADLINC. That person will immediately consider the petition and either affirm or reverse the denial within two (2) business days following BROADLINC's receipt of the petition, or within such other time as BROADLINC and the requestor mutually agree to.

A person may obtain court review of denial of a public records request pursuant to RCW 42.56.550 at the conclusion of two (2) business days after the initial denial regardless of any internal administrative appeal.