

Effective Date: 01-01-2016

POLICY

Cancels:

See Also: WA State Court Rule,
General Rule 31.1

Approved by: TSD/DMH

POL 01-0012 ADOPTING COURT'S RECORD REQUESTS POLICY FOR ADMINISTRATIVE RECORDS (GR 31.1)

This policy applies to the access and/or release of administrative court records of Port Orchard Municipal Court as prescribed by Washington State Court Rule, General Rule 31.1. Note: Non-administrative court records contained in court files are not within the scope of this Policy.

1. Court Adopts Port Orchard Municipal Court Administrative Public Records Requests Policy and Procedures

The Port Orchard Municipal Court adopts the attached Administrative Public Records Requests Policy and Procedures pursuant to Washington State Court Rule General Rule 31 (GR 31.1).

2. Policy Applies to all Administrative Court Records held by Port Orchard Municipal Court

This policy applies to all administrative court records, regardless of the physical form of the record or the method of storage of the record. Non-administrative court records are **not** within the scope of this Policy. See Policy 01-0004.

PORT ORCHARD MUNICIPAL COURT

ADMINISTRATIVE PUBLIC RECORDS REQUESTS POLICY AND PROCEDURES GR 31.1

A. GENERAL

The following policies and procedures describe the process governing the access and/or release of administrative court records held by the Port Orchard Municipal Court. The Court shall respond promptly to all administrative records requests. This response shall be done in accordance with both the letter and spirit of the General Rule 31.1 (GR 31.1 Access to Administrative Records) and case law related to the disclosure of administrative records.

Information for members of the public interested in filing a request for administrative records is contained in GR 31.1 and the public policy contained at www.courts.wa.gov.

Policies and procedures shall be published on the Court's website including the Public Records Officer's work mailing address, telephone number, fax number, and e-mail address pursuant to GR 31.1.

The Local Government Common Records Retention Schedule (CORE) and the District & Municipal Court Records Retention Schedule govern the Court's retention schedules. Link is:
<http://www.sos.wa.gov/archives/RecordsManagement/Records-Retention-Schedules-for-District-and-Municipal-Courts.aspx>

B. STAFFING OF ADMINISTRATIVE RECORDS REQUESTS

The Court Administrative shall be the designated public records officer and the Lead Clerk shall serve as backup public records officer. The court's Public Records Officer is responsible for processing all administrative record requests for Port Orchard Municipal Court and shall report directly to the Presiding Judge.

C. PROCESSING OF ADMINISTRATIVE RECORD REQUESTS

1. **Form of Request.** All requests for administrative court records shall be submitted by an **identified** individual or, if an entity, an identified entity representative. All requests must be submitted **in writing** to the designated Public Records Officer.
2. **Initial Response.** The Court shall initially respond to a written request for access to an administrative record within five working days of its receipt. The response shall acknowledge receipt of the request and include a good-faith estimate of the time needed to respond to the request.
3. **Communication with Requester.** The Court shall communicate with the requester as necessary to clarify the records being requested.
4. **Substantive Response.** The Court shall respond to the substance of the records request within the timeframe specified in the court's initial response to the request. If the Court cannot fully satisfy the records request in the manner requested, the Court shall justify in writing any deviation from the terms of the request.
5. **Extraordinary Requests.** The Court shall follow GR 31.1(c)(6) for compliance.
6. **Records Requests that Involve Harassment, Intimidation, Threats to Security, or Criminal Activity.** The Court may deny a records request if it is determined that the request was made to harass or intimidate the Court or its employees; fulfilling the request would likely threaten the security of the Court; fulfilling the request would likely threaten the safety or security of the judicial officer, staff, family members of judicial officers or staff, or any other person; or fulfilling the request may assist criminal activity.

D. REVIEW OF RECORDS DECISION

1. The Public Records Officer's response shall include a written summary of the procedures under which the requesting party may seek further review.
2. A record requester's petition seeking review of the Public Records Officer's decision must be submitted within 90 days of the Public Records Officer's decision. The internal review will be conducted

by the Presiding Judge and will be conducted within 14 days of receipt of request for review.

3. For an external review, see GR 31.1(d)(4).
4. No monetary awards for attorney fees, costs, civil penalties or fines are allowed under GR 31.1.

E. **CHARGING OF FEES**

1. A fee may not be charged to view administrative records, except the requester may be charged for research required to locate, obtain, or prepare the records at the rate set forth in section E.(2).
2. The fee for providing photocopies of administrative records is 50 cents per page plus certification fee of \$5.00 per document if requested. All fees are posted in the Clerk's Office pursuant to RCW 36.18.080 and RCW 3.62.060 and **must be paid in advance**.
3. A fee not to exceed \$30 per hour may be charged for research and preparation services required to fulfill a request taking longer than one hour. The fee shall be assessed from the second hour onward.

F. **TRACKING PUBLIC RECORDS REQUESTS**

1. The Public Records Officer shall track public records requests and their related communications with requestors by logging all requests, responses, exemptions, and other communication regarding the requests.