

**Title: Public Records Act Policy**

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<b>Approver(s):</b> Lisa LaPlante	<b>Date Approved:</b> 10/09/2024
<b>Affected Department(s):</b> Administration	<b>Version:</b> 4

**SCOPE**

This policy addresses the ability of and process for the public to obtain access to nonexempt public records of Snohomish County Public Hospital District No. 1 d/b/a EvergreenHealth Monroe (“**EvergreenHealth Monroe**”)

1. EvergreenHealth Monroe is an “agency” as defined in the PRA and must, therefore, comply with its provisions.
2. RCW 42.56.070(1) requires municipal agencies to make available for inspection and copying nonexempt public records in accordance with published rules. The PRA defines “**public record**” to include any “writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained” by the agency.
3. This policy sets forth the procedures and rules governing how EvergreenHealth Monroe will carry out its responsibilities under the PRA to provide full access to public records, assistance to inquirers, and the timely action as required by RCW 42.56.100, mindful of the further requirement that the procedures must also protect the records from damage or disorganization and prevent excessive interference with other essential functions of EvergreenHealth. These Rules provide information to persons wishing to request access to public records of EvergreenHealth and establish processes for both requestors and EvergreenHealth staff that are designed to best assist members of the public in obtaining such access.
4. The PRA provides that a reasonable charge may be imposed for providing copies of public records and that each agency may establish, maintain, and make available for public inspection and copying a statement of the actual costs that it charges for providing photocopies or electronically produced copies, of public records or, alternatively, adopt the default copying cost recovery set forth in such statute.
5. Any person acting on behalf of EvergreenHealth Monroe who creates nonexempt public records is subject to the PRA .

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### **POLICY STATEMENT**

1. EvergreenHealth Monroe will strive to efficiently and effectively carry out its responsibilities under RCW Chapter 42.56 – the Public Records Act (“**PRA**”).
2. EvergreenHealth Monroe recognizes that the purpose of the PRA is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government in general and health care operations specifically.

### **DEFINITIONS**

1. “Public Records Officer (“**PRO**”)” is an employee appointed as the designated PRO and charged with the responsibilities set forth in this Policy. In addition to other duties and responsibilities, the PRO shall be responsible for the implementation of this Policy regarding release of public records, coordinating the EvergreenHealth Monroe staff in this regard, and generally ensuring compliance by the staff with the public records disclosure requirements.
2. “Public Record” means any writing as defined containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by EvergreenHealth regardless of physical form or characteristics.
3. “Writing” means handwriting, electronic typewriting, printing, photocopying, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, documents, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated. This includes all emails and text messages involving District business.

### **PROCEDURE**

1. Public Records Officer Contact Information. Any person wishing to request access to public records of EvergreenHealth Monroe, or seeking assistance in making such a request, should contact the EvergreenHealth Monroe PRO:

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- a. Public Records Officer, 14701 179<sup>th</sup> Ave SE, Monroe, WA 98272
- b. Email: [PublicRecordsEHM@evergreenhealthcare.org](mailto:PublicRecordsEHM@evergreenhealthcare.org)
- c. EvergreenHealth's website: [www.evergreenhealth.com](http://www.evergreenhealth.com)

**1. Making a request for public records**

- a. Any person wishing to request for public records of EvergreenHealth Monroe should make the request in writing to EvergreenHealth Monroe's public records email or by mail or phone. The following information shall be included:
  - i. Name of requestor, including last name;
  - ii. Address of requestor;
  - iii. Telephone number;
  - iv. E-mail address;
  - v. Identification of the public records adequate for the PRO to locate the records; and
  - vi. The date and time of day of the request.
- b. Public records requests are public records and subject to disclosure.
- c. A confirmation of receipt of a request by the PRO will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement or further clarification of the scope.
- d. Records requests may only be for existing records. They cannot be used to obtain copies of records not yet in existence or for records that have been disposed of in accordance with applicable record retention policies.
- e. If the requestor wishes to have copies or scans of the records, the requestor should make arrangements with the PRO to pay for copies or scans of the records as follows:
  - i. A requestor may obtain copies or scans as provided under RCW 42.56.070(7), 42.56.120 and WAC 44-14-07003; EvergreenHealth Monroe will charge for those copies or scans according to the fee schedule below.

<b>Public Records Request Fee Schedule</b>	
<b>Copies:</b>	
15 cents per page	Photocopies, printed copies of electronic records when requested by the requestor, or for the use of agency equipment to make photocopies.

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10 cents per page	Scanned records, or use of agency equipment for scanning.
5 cents for each e-file or attachments	Records uploaded to email, or cloud-based data storage service, or other means of electronic delivery.
10 cents per gigabyte	Records transmitted in electronic format or for use of agency equipment to send records electronically.
Actual cost	Digital storage media or devices.
Actual cost	Postage or delivery charges
Actual cost	Any container or envelope used to mail copies
(Varies)	Records for which other costs are authorized pursuant to specific fee statutes
Copy charges above may be combined to the extent that more than one type of charge applies to copies responsive to a particular request	
<b>Additional options for copies:</b>	
Actual Cost	Data compilations prepared or accessed as a customized service (cost is in addition to above fees for copies)
Up to \$2 flat fee	As an alternative to the copy charges above, EvergreenHealth Monroe may charge a flat fee of up to \$2 for any request when EvergreenHealth Monroe reasonably estimates and documents that the costs are equal to or more than \$2

- ii. Costs of mailing may also be charged, including the cost of a shipping container.
- iii. Costs for certification may also impose a charge of \$5.00 per record for certification.
- iv. Use of outside vendor. An agency can send the project to a commercial copying/scanning center and bill the requestor for the amount charged by the vendor. An agency can arrange with the requestor to pay the vendor directly. EvergreenHealth Monroe will not charge the default per page copying/scanning charge when its cost at a vendor is less.
- v. Payment may be made by check or money order made payable to EvergreenHealth Monroe.

2. Providing assistance. Mindful of the requirements of RCW 42.56.100, to the extent reasonably possible, the PRO will process requests in the order allowing the most requests

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to be processed in the most efficient manner. In an effort to better understand the request and provide all responsive records, the PRO can inquire about the purpose for the request but the requestor is not required to answer except to establish whether inspection and copying would violate RCW 42.56.070(8) (producing lists of individuals for commercial purposes) or other statute which exempts or prohibits production of specific information or records to certain persons.

3. Identifiable record. A requestor must request an "identifiable record" or "class of records". An identifiable record is one that EvergreenHealth Monroe staff can reasonably locate. The PRA does not allow a requestor to search through agency files for records which cannot be reasonably identified or described to the agency. A request for all or substantially all records prepared, owned, used, or retained by the District shall not be considered a valid request. EvergreenHealth Monroe is not obligated to hold current records requests open to respond to requests for records that may be created in the future. A new request must be made to obtain later-created public records.
4. Requests for information or nonexistent records. Requests for information are not public records requests. The PRA does not require EvergreenHealth Monroe to answer written questions, create new public records in response to a request, or provide information in a format that is different from original public records; however, EvergreenHealth may in its discretion, create such a new record to fulfill the request where it may be easier for EvergreenHealth to create a record responsive to the request than to collect and make available voluminous records that contain small pieces of information responsive to the request.
5. Processing of public records requests-electronic records.
  - a. Providing electronic records. If public records are requested in an electronic format, the PRO will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the agency and is generally available, or in a format that is reasonably translatable from the format in which the agency keeps the record. Costs for providing electronic records are stated hereinabove.
6. Time Allocated to Public Records Function. While public records requests are an essential function of EvergreenHealth Monroe, the PRO also performs other essential functions for EvergreenHealth Monroe. Accordingly, the Board finds it reasonable to restrict the time

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allocated to the PRO in responding to public records requests to an average of 5 hours per week to allow the PRO to accomplish other essential functions for EvergreenHealth Monroe.

### 7. Redactions and exemptions.

- a. Records exempt from production. The PRA provides that some records are exempt from production, public inspection and copying, in whole or in part. In addition, documents are exempt from production if any "other statute" exempts or prohibits production. EvergreenHealth Monroe's failure to list an exemption shall not affect the effectiveness of the exemption. If a record is exempt from production and should be withheld, the PRO will state the specific exemption and provide a brief explanation of how the exemption applies to the record being withheld. This explanation should be sufficient to enable the requestor to make a threshold determination of whether the claimed exemption is proper.
- b. Redaction. If only a portion of a record is exempt from production, but the remainder is not exempt, the PRO will redact the exempt portions, produce the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.
- c. Commercial Purposes. EvergreenHealth Monroe is prohibited by statute (RCW 42.56.70(8)) from producing lists of individuals for commercial purposes. Therefore, if a request is received for any type of list of individuals, an inquiry as to whether the requestor intends to use the list for commercial purposes must be answered before the list can be provided. If the answer is that it will be used for such purposes, the list cannot be produced.
- d. Medical records are not considered public records. EvergreenHealth is prohibited from releasing a patient's protected health information ("PHI") without the patient's authorization. There are several standard exceptions to this rule for the release of PHI. Medical records can be released without a patient's authorization for billing, treatment, and health care operations purposes and court orders that comply with the provisions of RCW 70.02.060. Medical records are not released through the Public Records Office.

10 . The district shall not publish an index of files and records because the cost and time to produce and maintain such an index would unduly burden and interfere with agency operations. In particular, no staff members at the hospital are available to establish and maintain indexing, and the manner that hospital district records have been kept, especially in light of confidentiality of patient and other health care records, does not lend itself to the

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agency indexing anticipated under RCW 42.56.070(3). To change record keeping policies would divert key personnel and would be financially burdensome and have the effect of increasing the costs of health care to the community.

The hospital may also seek court protection of public records pursuant to RCW 42.56.540.

The adoption of this policy by resolution shall serve as a formal published order for this policy.