
Policy : Public Records Act Policy

SCOPE:

This policy addresses the ability of and process for the public to obtain access to nonexempt public records of King County Public Hospital District No. 2 d/b/a EvergreenHealth (“**EvergreenHealth**”).

POLICY STATEMENT:

1. EvergreenHealth will strive to efficiently and effectively carry out its responsibilities under RCW Chapter 42.56 – the Public Records Act (“**PRA**”).
2. EvergreenHealth 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.
3. Records index. The Board finds that the creation and maintenance of a records index to be unduly burdensome and would interfere with EvergreenHealth operations. This finding is based on the fact that EvergreenHealth has in excess of 25 departments, serving over 100,000 residents, has too many documents to index, too many locations and departments, and too many new documents being created at all locations.

REASON FOR POLICY:

1. EvergreenHealth 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 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.

WHO IS AFFECTED BY THIS POLICY:

Any person acting on behalf of EvergreenHealth who creates nonexempt public records are subject to the PRA.

WHO SHOULD READ THIS POLICY:

Any person acting on behalf of EvergreenHealth who creates nonexempt public records are subject to the PRA.

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 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.

PROCEDURES:

1. Public Records Officer Contact Information. Any person wishing to request access to public records of EvergreenHealth, or seeking assistance in making such a request, should contact the EvergreenHealth PRO:
 - a. Public Records Officer, 12040 NE 128th Street, Kirkland, WA 98034
 - b. Email: PublicRecords@evergreenhealthcare.org
 - c. Phone: 425-899-2644
 - d. EvergreenHealth's website: www.evergreenhealth.com
2. Availability. Public records are available for inspection and copying during normal business hours of EvergreenHealth's Administrative Offices, located at 12040 N.E. 128th St., Kirkland, WA 98034, Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding legal holidays. Inspection of records shall occur at the Administrative Office of EvergreenHealth unless another location is approved by the PRO or designee. A requestor shall not take EvergreenHealth records from EvergreenHealth offices. A variety of records are available on EvergreenHealth's web site at www.evergreenhealth.com. Requestors are encouraged to view the documents available on the web site prior to submitting a records request or request for electronic copies of records. While committed to fully complying with the PRA and these Procedures, EvergreenHealth must also take reasonable actions to protect records from damage and disorganization and prevent excessive interference with other essential functions of EvergreenHealth.
3. Making a request for public records
 - a. Any person wishing to request for public records of EvergreenHealth should make the request in writing on EvergreenHealth's public records online portal or email on the website www.evergreenhealth.com or by mail or phone. The following information shall be included:
 - a. Name of requestor, including last name;
 - b. Address of requestor;
 - c. Telephone number;
 - d. E-mail address;
 - e. Identification of the public records adequate for the PRO to locate the records; and
 - f. The date and time of day of the request.
 - b. Public records requests are public records and subject to disclosure.
 - c. The PRO may accept requests for public records that contain the above information via the online portal, or by email, or other routes listed above. 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:
 - a. Costs for copies. A requestor may obtain copies or scans as provided under RCW 42.56.070(7), 42.56.120 and WAC 44-14-07003; EvergreenHealth will charge for those copies or scans according to the fee schedule below. For records in other forms, EvergreenHealth will charge the actual cost it pays for the medium used to record the record or records provided. Those mediums include, but are not limited to, CDs, DVDs, flash drives, external hard drives and others. The statements providing those costs are the invoices paid to obtain them and are available for public inspection and copying.

Public Records Request Fee Schedule	
Copies:	
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.
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, CD/DVD/Flash Drive/Other
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.

<i>Copy charges above may be combined to the extent more than one type of charge applies to copies responsive to a particular request.</i>	
Additional options for copies:	
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 may charge a flat fee of up to \$2 for any request when EvergreenHealth reasonably estimates and documents that the costs are equal to or more than \$2. If applied to the initial installment, additional flat fees shall not be charged for subsequent installments.

Before releasing records, the PRO may require a deposit of up to ten percent of the estimated costs. The PRO may also require the payment of the remainder of the fees before providing all the records. The PRO will not charge sales tax when it makes copies, scans, or releases electronic copies of public records but if the records are sent to a third party for copying/scanning, that third party may charge sales tax and the requestor will be responsible for payment of that tax as well as the third party's actual charges for copies or scans. If EvergreenHealth makes records available on an installment basis, it may charge for each installment as it is provided. EvergreenHealth may waive any charge assessed for a request in the exercise of the PRO's reasonable discretion. EvergreenHealth may enter into a contract, memorandum of understanding, or other agreement with a requestor that provides an alternative fee arrangement for the authorized charges, or in response to a voluminous or frequently occurring request.

- b. Costs of mailing. EvergreenHealth may also charge actual costs of mailing, including the cost of a shipping container.
- c. Costs for certification. EvergreenHealth may also impose a charge of \$5.00 per record for certification.
- d. 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 will not charge the default per page copying/scanning charge when its cost at a vendor is less.
- e. Payment. Payment may be made by credit card, cash, check or money order made payable to EvergreenHealth.

4. 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 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.

Within five business days of receipt of the request, not including the day the request was received as provided by RCW 1.12.040, the PRO will do one or more of the following:

- a. Acknowledge receipt of request;
- b. Refer requestor to records available on EvergreenHealth website;
- c. Provide a reasonable estimate of additional time needed to respond to the request and a date by which the records will be produced in whole or in part. Circumstances justifying additional time include:
 - i. To request clarification from the requestor if the request is unclear or does not sufficiently identify the requested records. Such clarification may be requested and provided by telephone. If the clarification is made by telephone, the PRO will confirm the scope of the clarification in writing. The confirmation will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement of the scope. If the requestor fails to clarify an unclear request within 15 days, the request may be treated by the PRO as having been withdrawn.
 - ii. To locate and assemble the information requested.
 - iii. To notify third persons or agencies in the event the requested records contain information that may affect rights of others and may be exempt from production. Such notice should be given to make it possible for those other persons to contact the requestor and ask for revision of the request, or, if necessary, to 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 or a statement of the request if no written request was received; or
 - iv. To determine whether any of the information requested is exempt from production and that a denial should be made as to all or part of the request.
- d. Deny the request, specifying the reasons for denial.
- e. Failure to respond. If the requestor does not receive a response in writing within five business days of submitting the request for disclosure, the requestor should consider contacting the PRO to determine the reason for the apparent lack of a response.

- f. Circumstances affecting the time for making the records available. While some record requests may be routine, easily identified, immediately accessible, or requiring little or no coordination between departments, others may be more complex requests that may be especially broad or vague and which involve:
 - a. A large number of records that are not easily identified, located or accessible, or requiring coordination between multiple departments;
 - b. Research by staff who are not primarily responsible for public disclosure;
 - c. Review by the PRO to determine whether any of the requested records are exempt from production; and/or
 - d. Legal review and creation of an exemption log. These requests may require additional assistance from third-parties in identification and assembly.

The PRO will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to make the records available. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, as identified above, requests may require several weeks to several months

4. Inspection of and/or providing records.
 - a. Consistent with other demands, EvergreenHealth 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 EvergreenHealth to copy or scan, if any, and provide payment for those copies or scans.
 - b. The requestor must claim or review the assembled records within 30 days of the PRO's notification to him or her that the records are available for inspection or copying/scanning. The PRO will notify the requestor, in writing, of this requirement and inform the requestor that he or she should contact the PRO 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 30-day period or make other arrangements, the PRO may close the request and re-file the assembled records.
 - c. Providing records in installments. When the request is for a large number of records, the PRO may 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 manner. If, within 30 days, the requestor fails to inspect the entire set of records or one or more of the installments, the PRO may stop searching for the remaining records and close the request.
 - d. Closing withdrawn or abandoned request. 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 PRO will close the request and so inform the requestor.
 - e. Later-discovered documents. If, after the PRO has informed the requestor that he or she has provided all available records, the PRO becomes aware of additional responsive documents existing at the time of the request that had not been provided previously, he or she will promptly inform the requestor of the additional documents and provide them on an expedited basis.
5. Identifiable record. A requestor must request an "identifiable record" or "class of records". An identifiable record is one that EvergreenHealth 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 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.
6. Requests for information or nonexistent records. Requests for information are not public records requests. The PRA does not require EvergreenHealth 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.
7. 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.
 - b. Customized service charge. In addition to the charge imposed for providing copies of public records and for the use by any person of EvergreenHealth equipment copying costs, and consistent with RCW 42.56.120(3) and (4), EvergreenHealth may include a customized service charge. A customized service charge may be imposed if EvergreenHealth determines that the request would require the use of information technology expertise to prepare data compilations; provide customized electronic access services when such compilations and customized access services are not used by EvergreenHealth for other purposes; or if the record is not reasonably locatable or not reasonably translatable into the format requested. The customized service charge may reimburse EvergreenHealth up to the actual cost of providing the services in this subsection. Before assessing a customized service charge, the PRO shall notify the requestor of the customized service charge to be applied to the request, including an explanation of why the customized service charge applies, a description

of the specific expertise, and a reasonable estimate cost of the charge. The notice also shall also provide the requestor the opportunity to amend the request in order to avoid or reduce the cost of a customized service charge.

- c. Retaining electronic copies. Because an electronic record is usually more susceptible to manipulation and alteration than a paper record, EvergreenHealth will keep, when feasible, an electronic copy of the electronic records it provides to a requestor to be able to show the exact records it provided if necessary.
8. Processing of public records requests – public bid documents.
- a. Aspects of the bid process require that EvergreenHealth maintain integrity of the official bid document sets, provide swift response when incorporating addenda changes and communicate in a singular, fair and equitable manner to registered bidders.
 - b. During the solicitation period, from posting the advertisement to opening of bid, EvergreenHealth maintains the official project documents on premises in original full size paper format only.
 - c. Fulfilling requests for copying or scanning requires that the originals be sent offsite to a reprographics company. This disruption would obstruct EvergreenHealth's ability to incorporate addenda changes in a timely manner and maintain the integrity of the documents.
 - d. It is necessary to delay the removal of original documents from EvergreenHealth premises to eliminate interference with the bid process until after the bid opening date.
 - e. Free-of-charge access to project bid documents (plans, specifications, addenda, and Bidders List) is provided to Prime Bidders, Subcontractors, Suppliers, and other interested parties by going to www.bxwa.com and clicking on "Posted Projects", "Public Works", and "EvergreenHealth." This online plan room provides Bidders with fully usable online documents with the ability to: download, view, print, order full/partial plan sets from numerous reprographic sources, and a free online digitizer/take-off tool. It is recommended that Bidders "Register" in order to receive automatic e-mail notification of future addenda and to place themselves on the "Self-Registered Bidders List". Bidders that do not register will not be automatically notified of addenda and will need to periodically check the on-line plan room for addenda issued on this project. Interested persons may contact Builders Exchange of Washington at (425) 258-1303 should assistance with access or registration be required.
 - f. To ensure that there is no interference with the bid process, any public records request for bid documents will typically be filled within ten (10) business days after the bid closes.
9. Time Allocated to Public Records Function. While public records requests are an essential function of EvergreenHealth, the PRO also performs other essential functions for EvergreenHealth. Accordingly, the Board finds it reasonable to restrict the time 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.

E. 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'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 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.

F. Review of denials of public records requests.

- a. Petition for internal administrative review of denial of access. Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the PRO for a review of that decision. The petition shall include, a copy of or reasonably identify, the written statement by the PRO denying the request.
- b. Consideration of petition for review. The PRO shall promptly provide the petition and any other relevant information to the District General Counsel or designee to conduct the review. The District General Counsel or designee will promptly consider the petition and either affirm or reverse the denial within ten (10) business days following EvergreenHealth's receipt of the petition, or within such other time as EvergreenHealth and the requestor mutually agree. The District's counsel's review is its final action.
- c. Judicial review. Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550

at the conclusion of fifteen (15) business days after the initial denial regardless of any internal administrative appeal.

- G. Amendment of the Procedures. The CEO and District General Counsel are authorized to amend the Procedures as necessary to remain in compliance with evolving law governing the handling of public records requests and to update the Procedures as circumstances and facts may require. All amendments to the Procedures will be reported to the Board.
- H. Changes to Comply with the PRA. If changes to the PRA or an order or proclamation by the State of Washington requires a change to any provision of this Policy, it shall be deemed amended to conform with such change on the date the requirement becomes effective.

Document ID	38986	Document Status	Official
Document Department	Compliance and Ethics	Document Department Manager	Meeks, Richard A
Document Owner	Wee-Bou, Lynette	Next Review Date	07/18/2025
Original Effective Date	06/11/2020		
Revised	[06/11/2020 Rev. 0], [06/18/2020 Rev. 1], [07/19/2022 Rev. 2]		
Attachments: (REFERENCED BY THIS DOCUMENT)	www.evergreenhealth.com		
Other Documents: (WHICH REFERENCE THIS DOCUMENT)			

Paper copies of this document may not be current and should not be relied on for official purposes. The current version is in Lucidoc at

[https://www.lucidoc.com/cgi/doc-gw.pl?ref=everg5:38986\\$2](https://www.lucidoc.com/cgi/doc-gw.pl?ref=everg5:38986$2).