

**PORT OF BREMERTON
KITSAP COUNTY, WASHINGTON
RESOLUTION NO. 2023-03
DATED: August 22, 2023**

A RESOLUTION of the Board of Commissioners, Port of Bremerton, adopting policies and procedures for public records disclosure.

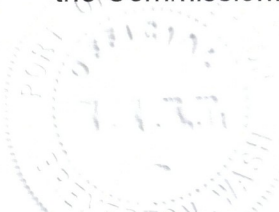
WHEREAS, RCW Chapter 42.56, the Washington State Public Records Act, requires that public agencies publish rules in order to provide full public access to public records; and

WHEREAS, this Resolution adopts policies and procedures for responding to and fulfilling requests for disclosure of public records in accordance with the Act; and

WHEREAS, the Port of Bremerton desires to outline for the public the most efficient and effective manner in which to request public records.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners, Port of Bremerton, that the Port of Bremerton Public Records Disclosure Policy is hereby adopted and attached (Attachment A).

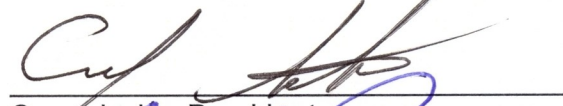
ADOPTED by the Board of Commissioners of the Port of Bremerton at the regular public meeting thereof held this 22nd day of August 2023 and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the Seal of the Commission.



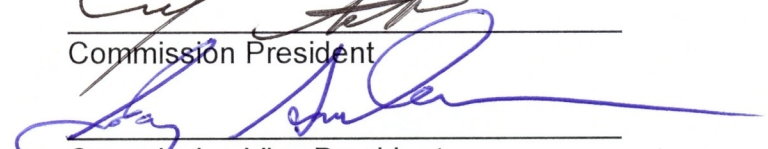
ATTEST



Commission Secretary



Commission President



Commission Vice President

PORT OF BREMERTON

Public Records Disclosure Policy

The Port of Bremerton is committed to providing full access to public records in accordance with the Washington State Public Records Act (RCW Chapter 42.56). The purpose of the Act is to provide the public with full access to records concerning the conduct of government, mindful of individual privacy rights and the desirability of the efficient administration of government. This administrative regulation is adopted to establish the procedures the Port of Bremerton will follow to provide for the fullest assistance to requestors and timely action on requests while protecting public records from damage and preventing “excessive interference with other essential agency functions.” RCW 42.56.100. This regulation is subject to revision at any time.

Public Records Officer. The Port of Bremerton has publicly identified a Public Records Officer whose responsibility is to serve as a point of contact for Public Records Act requests. The Public Records Officer oversees compliance with the Washington State Public Records Act, although other Port staff members may process public records requests.

- 1. How to Request Records.** Any person wishing to request access to public records¹ or seeking assistance in making such a request should direct their request to the Public Records Officer. The Public Records Officer is located at:

Public Records Officer
Port of Bremerton
8850 SW State Hwy 3
Bremerton, WA 98312

Phone: (360) 674-2381
Fax: (360) 674-2807
Email: info@portofbremerton.org

The Port’s office hours are 8:00 a.m. – 4:30 p.m., Monday through Friday, excluding holidays. Some records are available on the Port’s website at www.portofbremerton.org. Requestors are encouraged to view records available on the website prior to submitting a records request.

- 2. Form of Request.** Requests for records should be in writing. Requestors are encouraged to use forms prescribed by the Port, which are available at the Port’s office and on the Port’s website. Requests may be submitted in person, by mail, fax, or e-mail. E-mail will be considered received on the date the message is stamped “received” not on the date sent. Requests should include the following information:

¹ Public records are defined as “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 any state or local agency regardless of physical form or characteristics.” RCW 42.56.010(3). “Writing” means “handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, 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.” RCW 42.56.010(4).

- 2.1. The name, mailing address, and daytime phone number of the person making the request; and
- 2.2. The date of the request; and
- 2.3. The nature of the request, including an identification of the public records adequate for the Public Records Officer or designee to be able to locate the records; and
- 2.4. If the request is for a list of individuals, a statement that the list will not be used for any commercial purposes or that the requester is authorized or directed by law to obtain the list of individuals for commercial purposes, with a specific reference to such law.

3. Response to Requests. The Port will process requests in the order allowing the most requests to be processed in the most efficient manner. Within 5 business days of receiving a request, the Port will either (1) provide the record; (2) acknowledge that it has received the request and provide a reasonable estimate of the time it will require to respond to the request; or (3) deny the request. RCW 42.56.520. Additional time to respond may be based on the need to clarify the intent of the request, to locate and assemble the records, to notify third persons or agencies affected by the request and provide such persons with the opportunity to seek a court order preventing disclosure where appropriate, and/or to determine whether any of the information requested is exempt from disclosure. If a requestor fails to clarify an unclear request, the Port will treat the request as having been withdrawn.

Requested records may be made available on a partial or installment basis. If an installment is not claimed after the requestor has been notified of its availability, the Port will not fulfill the balance of the request. RCW 42.56.120.

All denials of requests for public records will be accompanied by a written statement specifying the reason(s) for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. RCW 42.56.210(3).

This policy does not require the Port to answer written questions, create new public records, or provide information in a format that is different from original public records.

- 4. Exempt Public Records.** The Public Records Act provides a number of exemptions to disclosure of identifiable public records. They include, but are not limited to, the following:
- 4.1. Applications for public employment as well as the residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, and social security numbers of employees which are held in personnel records, employment rosters, or mailing lists of employees.
 - 4.2. Personal information in files maintained for employees, appointees, or elected officials of the Port to the extent that disclosure would violate their right to privacy.
 - 4.3. Generally, the contents of real estate appraisals, made for or by the Port relative to the acquisition or sale of property, until the projected or prospective sale is abandoned, or until

such time as all the property has been acquired or sold. But in no event will disclosure be denied for more than three (3) years after the appraisal.

- 4.4. Valuable formulae, designs, drawings, and research data obtained by the Port within five (5) years of the request for disclosure when such disclosure would produce private gain and public loss.
- 4.5. Preliminary and pre-decisional drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended, except if that specific record is publicly cited in connection with a Port action.
- 4.6. Communications and legal advice between the Port and its legal counsel.
- 4.7. RCW 42.56.070(8) prohibits disclosure of lists of individuals (i.e., moorage/hangar lists) for commercial purposes.
- 4.8. Information regarding both public and private infrastructure and security of computer and telecommunications networks, including passwords, access codes and programs, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

Exemptions will typically be reviewed by the Public Records Officer and/or Port Attorney to ensure that any withheld documents meet the exemptions described in the Public Records Act. Any document withheld will be identified on an exemption log provided to the requester that describes the document being exempted and sets forth the exemption relied upon for withholding the record.

5. **Preservation of Public Records.** No member of the public may remove a public record from a viewing area or disassemble or alter any public record. No record may be marked, folded or damaged in any way, nor may any record be removed from any file to which it is attached, nor may the records filing order be altered in any way.
6. **Review of Denials of Requests.** Any person who objects to the denial of a public records request may petition in writing to the Port Attorney for a review of that decision. The petition shall be filed within five (5) business days of notification to requestor of denial. The petition shall include a copy of the written statement by the Public Records Officer or designee denying the request. The Port Attorney shall perform a review of the denial as promptly as possible, and the final decision shall be made in writing and delivered to the requesting party by the end of the second business day following receipt of the written request for review as set forth in RCW 42.56.520. Any person may obtain court review of the denial of the request pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.
7. **Public Records Index.** The Port does hereby formally order that maintaining an index of public records pursuant to RCW 42.56.070(3) would be unduly burdensome due to fiscal and personnel limitations and would interfere with agency operations given the high volume, various locations, and types of public records received, generated, and otherwise acquired by the Port.

Notwithstanding the foregoing, the Port will maintain its records in a reasonably organized manner and take reasonable actions to protect records from damage and disorganization and will make available for public inspection and copying any index that is maintained by the Port for Port use.

8. **Fees.** No fee is charged for inspection of a public record or for locating a record. The Port hereby formally orders that calculating actual costs would be unduly burdensome due to:
1) quantifying certain necessary resources (ink, electricity, wear-and-tear on equipment, etc.) is inherently difficult; 2) funds were not allocated for performing a study to calculate actual costs; 3) personnel limitations make it difficult to perform a study and to calculate actual costs; and 4) a study would interfere with and disrupt essential Port functions. Due to these limitations, the Port hereby adopts the statutory default charges in RCW 42.56.120 and will post those charges on the Port's website. When public records are mailed to a requestor, a charge for postage and the cost of the envelope or container used may be added if the envelope and postage charge is \$5.00 or more. The Public Records Officer may elect to waive fees. Payment of fees is required prior to release of records unless other arrangements have been made.
9. **Deposit.** The Port may require a deposit of up to 10% of the estimated cost of copying records prior to copying any records for a requestor. The Port may also require payment of the remainder of the cost before providing all the records, or the payment of the costs of copying an installment before providing that installment. RCW 42.56.120.
10. **Disclosure of Public Records.** Unless exempt from disclosure under the Public Records Act or other law, public records shall be available for public inspection and copying. RCW 42.56.070(1).
11. **Closing the Request.** Once all copies of requested records have been provided to the requestor, the requester has reviewed the requested records, or fourteen (14) days have passed since the requester was notified that the records were available and the requester has failed to contact the Public Records Officer to arrange for the review of those records or for payment for copies, the Public Records Officer shall treat the request as closed.
12. **Disclaimer of Liability.** Neither the Port nor any officer, employee, official or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon a release of Public Records if the person releasing the records acted in good faith in attempting to comply with this policy.

This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Despite the use of any mandatory terms such as "shall," nothing in this policy is intended to impose mandatory duties on the Port beyond those imposed by state and federal law.