

PUBLIC DISCLOSURE POLICY

1. Purpose

This policy covers public records requests for public records prepared, owned, used or retained by the Port of Longview (hereinafter “Port”). This policy establishes a process for the Port to assist members of the public in accessing public records.

2. Public Records Officer

The name and contact information for the Port’s Public Records Officer to which the public may direct Public Records Request will be posted on the Port of Longview’s official website at www.portoflongview.com. All public records requests should be directed to the Port’s Public Records Officer.

3. Policy

All records, prepared, owned, used or retained by the Port are subject to production under the Public Records Act, RCW 42.56.040 (PRA), except if an exemption applies. It is the policy of the Port to release records in compliance with and subject to the PRA and any other applicable federal or state law. Exemptions related to the types of information which do not have to be disclosed are contained in the PRA and other applicable federal and state laws.

4. Availability of Public Records

Some records are already available on the Port’s website at www.portoflongview.com. Requesters are encouraged to view the documents available on the website prior to submitting a records request.

Index: The Port has determined that maintaining an index of all our agency’s public records is unduly burdensome, costly, and would interfere with agency operations due to the volume and complexity of records generated as a result of the wide range of Port activities with limited staff time and resources. Indexes maintained for agency use will be made available for public inspection as requested. Adoption of this policy by the Port Commission addresses the requirement for a formal order under RCW 42.56.070(4)(a).

5. Making a Request for Public Records

The Port’s standard, preferred request method is through the Port’s online request system at: <https://www.portoflongview.com/160/Public-Records-Requests>.

A public records request must be for identifiable records. To make a request in writing, requesters should use the Port’s prescribed records request form located on the Port’s Public Records Request web page. Complete and submit this form directly to our office in-person, by regular mail, or fax to the designated Public Records Officer. Emailed requests must be addressed to the Port’s Public Records Officer at records@portoflongview.com.

However, if the request is by telephone or the requester needs assistance, responding staff will confirm receipt of the information and the substance of the request in writing. The Port may deny a bot request that is one of multiple requests from the requestor to the Port within a twenty-four hour period, if the Port establishes that responding to the multiple requests would cause excessive interference with other essential functions of the Port. For purposes of this section, "bot request" means a request for public records that the Port reasonably believes was automatically generated by a computer program or script.

To aid timely disclosure, requests should include the following information:

- a. The name and address of the requester
- b. The date of the request
- c. A detailed description of the public record(s) being requested, including department (if known) and the title and date of records (if known)
- d. Whether the requestor wants paper copies, electronic copies, or wants to inspect the requested records onsite.
- e. If paper copies are requested, the address where the copies should be mailed. If electronic copies are requested, the email address or alternative electronic method to access records.
- f. If the records requested are for a list of individuals, a statement regarding whether the records requested are for commercial purpose (agencies are not required to provide these types of records unless directed to by law. RCW 42.56.070(8)).
- g. Method by which the Port should contact the requester
- h. The signature of the requester

Requesters may file anonymously. If requesters do not sufficiently identify themselves or do not provide sufficient contact information, the agency will respond only to the extent feasible and consistent with the law.

A requester is not typically required to state the purpose of the request. However, in instances where additional information is required by law or in an effort to clarify or prioritize, the Public Records Officer or designee may inquire about the nature or scope of the request.

The Port will assess and apply applicable charges as outlined in RCW 42.56.120, as discussed below (see section 9) for both paper records and records received electronically. Requesters are responsible for paying applicable charges prior to the Port releasing the records. Paper records are available via in person pick up or mail. If a requester elects to have records mailed, they must provide a mailing address.

6. Providing Electronic Records

When records are requested in an electronic format, the Public Records Officer or designee will provide the nonexempt records, or portions of the records that are reasonably locatable, in

an electronic format this is used by the Port, or in a format that is reasonably translatable from the format that the Port keeps the records.

The Port offers methods for delivery of electronic responsive records to a public records request that vary dependent on what is feasible. The volume of responsive records, as well as the frequency with which specific records are requested, dictate the method of delivery.

7. Responses to Public Records Requests

The Port will respond to public records requests promptly and consistent with RCW 42.56.520, and WAC 44-14-04003. 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 business days of receipt of a public records request (day one is the first working day after the request is received), the Public Records Officer or designee will provide a response to the requester.

Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

If a request is unclear or partially unclear, an agency may seek clarification. The Port will respond to those parts of a request that are clear and seek clarification to those parts that are unclear. If the request is unclear in its entirety or the Port can no longer continue to process the request without clarification and the requestor does not respond to the agency's request for clarification within thirty days, the request may be considered abandoned and closed.

The Public Records Officer or designee may provide records or access for inspection and copying in installments. Requestors will be notified when an installment is ready.

8. Inspecting and Copying Records in Person; Protection of Records

To provide full public access to public records, protect public records from damage or disorganization, and prevent excessive interference with other essential functions of the Port, requesters who desire to inspect and copy records in person are strongly recommended to schedule an appointment with the Public Records Officer. Original public records of the Port shall not be removed from the possession of the Port or its employees, except in the case of commercial copying and/or scanning. Inspection of records will be conducted in the presence of Port staff. There is no fee for inspection of records.

Public records are generally available for inspection during normal business hours of Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays.

9. Fees for Public Records

The Port will assess charges and apply applicable costs and fees incurred as a result of a public records request as outlined in RCW 42.56.120(2)(b). The Port adopts that fee structure because calculating its actual costs would be unduly burdensome. The Port has determined that due to the limited staffing resources and infrequent occurrence of public records requests, such a study would interfere with other essential agency functions. The current list of fees is posted on the Port's website.

The payment of a deposit for estimated copying or production fees may be requested by the Port prior to performing any work necessary to produce the records for the requester not to exceed 10% of the estimated cost of providing copies for a request. Payment of the remaining balance will be required prior to releasing records to the requester. If the Port makes a request available on a partial or installment basis, the Port may charge for each part of the request as it is provided.

If payment is not received within thirty (30) days of notification to the requester of such costs and fees, the request will be deemed abandoned and will be administratively closed without further action. If an installment of a records request is not claimed or reviewed, the Port is not obligated to fulfill the balance of the request.

A customized service charge may be imposed if the Port estimates that the request would require the use of information technology expertise to prepare data compilations or provide customized electronic access services when such compilations and customized access services are not used by the agency for other agency purposes. The customized service charge may reimburse the agency up to the actual cost of providing the services in this subsection. The Port will not assess a customized service charge unless the Port has notified 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 will also provide the requestor the opportunity to amend his or her request in order to avoid or reduce the cost of a customized service charge.

10. Closing Withdrawn or Abandoned Public Records Requests

The Port may close, as completed, any public records request where the requester fails to claim or review assembled records, including an installment, within thirty (30) days of notification that the records are available for inspection, review or copying.