

ORDINANCE NO. 2007-07-09

AN ORDINANCE of the Clark County Board of Commissioners of Clark County, Washington adding Chapter 2.70 of the Clark County Code, entitled "Public Records," establishing and codifying new policies relating to the processing of public records requests.

1           WHEREAS, primary purpose of Title 42, Chapter 56, of the Revised Code of  
2 Washington (hereinafter referred to as RCW) is to promote broad disclosure of public  
3 records; and

4           WHEREAS, RCW 42.56.040(1) requires all local agencies to make information  
5 available to the public to assist the public in understanding the agency's structure and  
6 public records procedures; and

7           WHEREAS, the County has a longstanding and recognized policy of assisting  
8 people who request public information and of providing public records upon request, and  
9 does not intend to deviate from that policy; and

10           WHEREAS, the County seeks to bring consistency and coordination to the  
11 response to public records requests by its elected officials and departments,

12           NOW THEREFORE IT IS ORDAINED BY THE BOARD OF COUNTY  
13 COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, as follows:

14 **SECTION NO. 1: New.**

15           The purpose of this chapter is to ensure compliance with the provisions of the  
16 Washington Public Records Act, Chapter 42.56, RCW, and other applicable law relating  
17 to public records in the custody of and/or maintained by Clark County.

18 **SECTION NO. 2: New.**

19 In applying this chapter, the public records officer, public records coordinators  
20 and staff dealing with public records shall interpret this chapter so that its provisions are  
21 liberally construed to promote access to public records, so as to ensure continuing public  
22 confidence in governmental processes, and so as to ensure that the public's interest in the  
23 conduct of County government will be fully protected.

24 **SECTION NO. 3: New.**

25 “County Agency” includes every elective office, department, division, bureau,  
26 board, commission, or other local public entity within Clark County’s governmental  
27 structure, including advisory groups comprised of volunteers appointed to make  
28 recommendations to elected officials and excluding the County Law Library.

29 “Public record” includes any writing containing information relating to the  
30 conduct of government or the performance of any County function prepared, owned,  
31 used, or retained by any County agency regardless of physical form or characteristics.  
32 For purposes of this chapter, “public record” does not include court case files.

33 “Writing” means handwriting, typewriting, printing, photostating, photographing,  
34 and every other means of recording any form of communication or representation,  
35 including, but not limited to, letters, words, pictures, sounds, or symbols, or combination  
36 thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints,  
37 motion picture, film and video recordings, magnetic or punched cards, discs, drums,  
38 diskettes, sound recordings, and other documents including existing data compilations  
39 from which information may be obtained or translated.

40 **SECTION NO. 4: New.**

41 Each County agency, as defined in section 2.70.030, shall make available for  
42 public inspection and copying all public records, except as otherwise provided by law.

43 **SECTION NO. 5: New.**

44 (1) The Board of County Commissioners finds that Clark County government  
45 is comprised of many branches, boards, departments, divisions, subdivisions, agencies,  
46 offices, commissions, and many other County entities that maintain separate and distinct  
47 recordkeeping systems. The records are voluminous, diverse, complex, and are stored in  
48 incompatible databases. Indexing of these records would be overwhelmingly costly to the  
49 Clark County taxpayers, while substantially interfering with effective and timely County  
50 office operations. As a result, it would be unduly burdensome, if not physically  
51 impossible, to develop an index of those records identified in RCW 42.56.070(3) or as  
52 the statute may be amended in the future.

53 (2) No Clark County agency, as defined in section 2.70.030, is required to  
54 maintain an index of public records conforming to the requirements of RCW  
55 42.56.070(3) or as the statute may be amended in the future.

56 (3) Any index maintained by an individual County agency shall be made  
57 available for public inspection and copying unless exempt from disclosure or made  
58 confidential by law.

59 **SECTION NO. 6: New.**

60 (1) Public Records Officer. The County Administrator shall serve as Clark  
61 County's public records officer, who shall serve as a point of contact for members of the  
62 public in requesting disclosure of public records and to oversee the County's compliance  
63 with the public records disclosure requirements of this chapter.

64

65           (2)     Public Records Procedures. The County Administrator, as public records  
66 officer, is authorized to promulgate public records procedures in cooperation with elected  
67 County officers and agencies. Such procedures shall ensure, to the extent practicable,  
68 compliance with this chapter, the Washington Public Records Act and related law. Such  
69 procedures shall be disseminated in a way reasonably calculated to provide notice to the  
70 public, including being available at the administrative offices of each County agency,  
71 posting on the County’s internet site, and, at the discretion of the County Administrator,  
72 in selected County publications.

73           (3)     Notice to the public. The name and contact information of the public  
74 records officer, to whom members of the public may direct requests for disclosure of  
75 public records and who will oversee the County’s compliance within the public records  
76 disclosure requirements of this chapter, shall be made in a way reasonably calculated to  
77 provide notice to the public, including posting at the administrative offices of each  
78 County agency, posting on the County’s internet site, and, at the discretion of the County  
79 Administrator, in selected County publications.

80 **SECTION NO. 7: New.**

81           (1)     Public Records Coordinators. At the request of the County Administrator,  
82 County agencies, as defined in section 2.70.030, shall appoint public records  
83 coordinators, whose duties shall include prompt, efficient response to public records  
84 requests in compliance with this chapter.

85           (2)     Notice to the public. The name and contact information of the appointed  
86 public records coordinators, to whom members of the public may direct requests for

87 disclosure of public records and who will oversee their agency's compliance within the  
88 public records disclosure requirements of this chapter, shall be made in a way reasonably  
89 calculated to provide notice to the public, including posting at the administrative offices  
90 of each agency, posting on the County's internet site, and, at the discretion of the County  
91 Administrator, in selected County publications.

92 **SECTION NO. 8: New.**

93 (1) In accordance with requirements of the Washington Public Records Act  
94 that agencies prevent unreasonable invasions of privacy, protect public records from  
95 damage or disorganization, and prevent excessive interference with essential functions of  
96 the agency, public records may be inspected or copies of such records may be obtained,  
97 by members of the public, upon compliance with the following procedures:

98 (a) Written Requests. A request shall be made in writing (or by fax or  
99 electronic mail if desired) upon a form prescribed by the County agency which shall be  
100 available at the offices where records are maintained. A request that is made other than  
101 upon the form prescribed by the office is permissible, but must provide the information  
102 listed in (i) through (vi) of this subsection. The request form shall be presented to the  
103 public records officer or public records coordinator, or to a member of the staff  
104 designated by him or her, if the public records officer or coordinator is not available, at  
105 the office during the office hours specified in this chapter. The request shall include the  
106 following information:

107 (i) The name of the person requesting the record, together with  
108 appropriate contact information;

109 (ii) The time of day and calendar date on which the request was

110 made;

111 (iii) The nature of the request;

112 (iv) If the request is for a list of individuals, the requester shall  
113 certify that the request is not for commercial purposes, except as provided  
114 by State law;

115 (v) The requester, at his or her option, may provide additional  
116 information necessary to determine the application of a statute or other  
117 law authorizing disclosure or exemption from disclosure of the record(s)  
118 requested.

119 (b) In all cases in which a member of the public is making a request, it shall  
120 be the obligation of the public records officer, public records coordinator, or designated  
121 staff member to whom the request is made, to assist the member of the public in  
122 appropriately identifying and locating the public record requested.

123 (2) Informal Requests. Certain departments and offices of elected officials,  
124 which have records in certain forms which have customarily been open to public  
125 inspection and/or copying, may, at the option of the heads of such departments or elected  
126 officials, permit inspection and copying without requiring such requests in writing.

127 (3) Lack of Existing Records. County employees are not required to create  
128 documents in response to a public records request or to perform research, retrieve data,  
129 provide analysis, information or any report relating to the conduct of County business  
130 when no document exists that is responsive to the request.

131 **SECTION NO. 9: New.**

132 Public records shall be available for inspection and copying during the customary  
133 office hours of each County agency, as defined in section 2.70.030. PROVIDED, that if  
134 the agency does not have customary office hours of at least thirty hours per week, the  
135 public records shall be available from nine o'clock a.m. to noon and from one o'clock  
136 p.m. to four o'clock p.m., Monday through Friday, excluding legal holidays, unless the  
137 person making the request and the agency agree on a different time.

138 **SECTION NO. 10: New.**

139 (1) Upon receipt of a request for disclosure of public records, the receiving  
140 County agency shall respond promptly. Within five business days of receiving a public  
141 records request, the receiving agency shall respond by:

142 (a) Providing the record; or

143 (b) Providing a portion or an installment of the record pending completion of  
144 action on the request; or

145 (c) Acknowledging that the office has received the request and providing a  
146 reasonable estimate of the time the office will require to respond to the request; or

147 (d) Denying the public record request. Agency responses refusing in whole or  
148 in part the inspection of a public record shall include a statement of the specific  
149 exemption authorizing the withholding of the record or any part thereof.

150 (2) Additional time for the office to respond to a request may be based upon  
151 the need to:

152 (a) Clarify the intent of the request;

153 (b) Locate and assemble the records requested;

154 (c) Notify third parties or agencies affected by the request; or

155           (d)     Determine whether any of the information requested is exempt and that a  
156 denial should be made as to all or part of the request.

157           (3)     In acknowledging receipt of a public record request that is unclear, the  
158 office may ask the requester to clarify what information the requester is seeking. If the  
159 requester fails to clarify the request, the office shall notify the requestor in writing that no  
160 response to the request will be forthcoming.

161     **SECTION NO. 11: New.**

162           (1)     Inspection. No fee shall be charged for the inspection of public records.  
163 No fee shall be charged for locating public documents and making them available for  
164 copying.

165           (2)     Fees for Copying. A reasonable charge may be imposed for providing  
166 copies of public records and for the use by any person of available County equipment to  
167 copy public records, which charges shall not exceed the amount necessary to reimburse  
168 the County for its actual costs directly incident to such copying.

169           (a)     Charges for photocopies shall be imposed in accordance with the actual  
170 per-page cost or other costs established and published by County departments, offices,  
171 agencies, boards, bureaus, divisions or commissions. Except as expressly authorized by  
172 statute, in no event may a County agency charge a per-page cost greater than the actual  
173 per-page cost as established and published by the various County entities.

174           (b)     Requests of a significant nature and magnitude may be copied by a  
175 commercial vendor and will be subject to a deposit, based on the estimated cost, before  
176 copying.

177           (c)     To the extent the individual County agency has not established the actual  
178 per-page cost for photocopies of its public records, it may not charge in excess of fifteen  
179 cents per page, or as otherwise provided by state law.

180           (3)     The actual cost of postage, delivery charges, containers or envelopes used  
181 to mail the records to the requestor may be charged.

182           (4)     Any County agency may require a deposit in an amount not to exceed ten  
183 percent of the estimated cost of providing copies for a request. If an agency makes a  
184 request available on a partial or installment basis, the agency may charge for each part of  
185 the request as it is provided. If an installment of a records request is not claimed or  
186 reviewed, the agency is not obligated to fulfill the balance of the request.

187     **SECTION NO. 12: New.**

188           (1)     No person shall knowingly alter, deface or destroy public records of the  
189 agency.

190           (2)     Original public records of the agency shall not be removed from the  
191 possession of any County agency or its employees, except in the case of commercial  
192 copying.

193           (3)     The public records officer is authorized to promulgate policies to ensure,  
194 to the extent practicable, that requested records are not removed from the premises nor  
195 portions thereof removed by members of the public.

196     **SECTION NO. 13: New.**

197           (1)     Retention. Public records of County agencies shall be retained in  
198 accordance with retention schedules, or any exceptions to those schedules promulgated  
199 by the Washington Secretary of State.

200           (2)     Destruction. No public record scheduled for destruction under an  
201 applicable retention schedule shall be destroyed while the record is subject to a pending  
202 public records request.

203     **SECTION NO. 14: New.**

204           (1)     Each County agency has the right to determine that a public record  
205 requested in accordance with the procedures outlined in this chapter is exempt under the  
206 provisions of the Washington Public Records Act or other law.

207           (2)     Each County agency reserves the right to delete identifying details when it  
208 makes available or publishes any public record, in any cases when there is reason to  
209 believe that disclosure of such details would be an invasion of personal privacy protected  
210 by the Washington Public Records Act or other law.

211           (3)     All denials of requests for public records must be accompanied by a  
212 written statement specifying the reason for the denial, including a statement of the  
213 specific statutory or case law basis authorizing the withholding or redaction of the record  
214 and a brief explanation of how the exemption applies to the record withheld.

215

216 **SECTION NO. 15: New.**

217 (1) Each elected County officer, and presiding judges of the superior and  
218 district courts, with the advice and consent of the public records officer, may establish or  
219 cause to be established mechanisms for the review of decisions denying inspection of  
220 public records for their respective departments of County government. Upon approval by  
221 the public records officer, each mechanism for review shall be included in the County's  
222 Public Records Procedures, as described in section 2.70.060(2). In the absence of such  
223 established mechanism, the following procedure shall apply:

224 (a) Any person who objects to the denial of a request for a public record may  
225 petition for prompt review of such decision by tendering a written request for review to  
226 the public records officer. The written request shall specifically refer to the written  
227 statement by the public records officer, public records coordinator, or other staff member  
228 which constituted or accompanied the denial.

229 (b) Within five business days of receipt of the petition, the public records  
230 officer shall affirm or reverse such denial.

231 (c) Administrative remedies shall not restrict or limit any other remedies  
232 available to any requester, agency or interested person.

233 **SECTION NO. 16: New.**

234 (1) The public records officer is authorized to adopt, and from time to time  
235 amend or modify, a Clark County Public Records Request Form for general use by all  
236 County agencies, except as provided in subparagraph (2) below. The general form shall

237 be designed to attach to or incorporate unique requirements which may apply to the  
238 records of specific County agencies.

239 (2) Each elected County officer, and the presiding judges of the superior and  
240 district courts, may adopt a Public Records Request Form for specific use by all persons  
241 requesting inspection or copying of the records of the particular County agency or court.  
242 Such agency-specific forms may request or require information from the requestor that is  
243 unique to the agency. At the option of the elected officer or presiding judge and, upon  
244 approval by the public records officer, each agency-specific form shall be designed for  
245 attachment to or incorporation in the general Clark County Public Records Request Form  
246 described in subparagraph (1) above.

247 ADOPTED this 17 day of July, 2007.

BOARD OF COMMISSIONERS  
FOR CLARK COUNTY, WASHINGTON

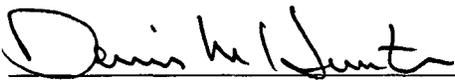
Attest:

  
Clerk to the Board

By: \_\_\_\_\_  
Steven J. Stuart, Chair

Approved as to form only:  
ARTHUR D. CURTIS  
Prosecuting Attorney

By:   
Marc Boldt, Commissioner

  
Dennis M. Hunter, WSBA 6734

By:   
Betty Sue Morris, Commissioner

## Chapter 2.70

### DISCLOSURE OF PUBLIC RECORDS

#### Sections:

- 2.70.010 Purpose.**
- 2.70.020 Interpretation and construction.**
- 2.70.030 Definitions.**
- 2.70.040 Public records to be made available.**
- 2.70.050 Exemption from requirement to maintain a current records index.**
- 2.70.060 Public Records Officer; policies, training and education.**
- 2.70.070 Public Records coordinators.**
- 2.70.080 Requests for public records.**
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- 2.70.100 Response for request for public records.**
- 2.70.110 Copying fees; production in installments.**
- 2.70.120 Protection of public records.**
- 2.70.130 Exemptions.**
- 2.70.140 Review of denial or redaction of public records.**
- 2.70.150 Adoption of form.**

#### **2.70.010 Purpose.**

The purpose of this chapter is to ensure compliance with the provisions of the Washington Public Records Act, Chapter 42.56, RCW, and other applicable law relating to public records in the custody of and/or maintained by Clark County.

#### **2.70.020 Interpretation and construction.**

In applying this chapter, the public records officer, public records coordinators and staff dealing with public records shall interpret this chapter so that its provisions are liberally construed to promote access to public records, so as to ensure continuing public confidence in governmental processes, and so as to ensure that the public's interest in the conduct of County government will be fully protected.

**2.70.030 Definitions.**

“County Agency” includes every elective office, department, division, bureau, board, commission, or other local public entity within Clark County’s governmental structure, including advisory groups comprised of volunteers appointed to make recommendations to elected officials and excluding the County Law Library.

“Public record” includes any writing containing information relating to the conduct of government or the performance of any County function prepared, owned, used, or retained by any County agency regardless of physical form or characteristics. For purposes of this chapter, “public record” does not include court case files.

“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.

**2.70.040 Public records to be made available.**

Each County agency, as defined in section 2.70.030, shall make available for public inspection and copying all public records, except as otherwise provided by law.

**2.70.050 Exemption from requirement to maintain a current records index.**

(1) The Board of County Commissioners finds that Clark County government is comprised of many branches, boards, departments, divisions, subdivisions, agencies, offices, commissions, and many other County entities that maintain separate and distinct recordkeeping systems. The records are voluminous, diverse, complex, and are stored in incompatible databases. Indexing of these records would be overwhelmingly costly to the Clark County taxpayers, while substantially interfering with effective and timely County office operations. As a result, it would be unduly burdensome, if not physically impossible, to develop an index of those records identified in RCW 42.56.070(3) or as the statute may be amended in the future.

(2) No Clark County agency, as defined in section 2.70.030, is required to maintain an index of public records conforming to the requirements of RCW 42.56.070(3) or as the statute may be amended in the future.

(3) Any index maintained by an individual County agency shall be made available for public inspection and copying unless exempt from disclosure or made confidential by law.

**2.70.060 Public Records Officer; policies, training and education.**

(1) Public Records Officer. The County Administrator shall serve as Clark County's public records officer, who shall serve as a point of contact for members of the public in requesting disclosure of public records and to oversee the County's compliance with the public records disclosure requirements of this chapter.

(2) Public Records Procedures. The County Administrator, as public records officer, is authorized to promulgate public records procedures in cooperation with elected County officers and agencies. Such procedures shall ensure, to the extent practicable, compliance with this chapter, the Washington Public Records Act and related law. Such procedures shall be disseminated in a way reasonably calculated to provide notice to the public, including being available at the administrative offices of each County agency, posting on the County's internet site, and, at the discretion of the County Administrator, in selected County publications.

(3) Notice to the public. The name and contact information of the public records officer, to whom members of the public may direct requests for disclosure of public records and who will oversee the County's compliance within the public records disclosure requirements of this chapter, shall be made in a way reasonably calculated to provide notice to the public, including posting at the administrative offices of each County agency, posting on the County's internet site, and, at the discretion of the County Administrator, in selected County publications.

**2.70.070 Public Records Coordinators.**

(1) Public Records Coordinators. At the request of the County Administrator, County agencies, as defined in section 2.70.030, shall appoint public records coordinators, whose duties shall include prompt, efficient response to public records request in compliance with this chapter.

(2) Notice to the public. The name and contact information of the appointed public records coordinators, to whom members of the public may direct requests for disclosure of public records and who will oversee their agency's compliance within the public records disclosure requirements of this chapter, shall be made in a way reasonably calculated to provide notice to the public, including posting at the administrative offices of each agency, posting on the County's internet site, and, at the discretion of the County Administrator, in selected County publications.

**2.70.080 Requests for public records.**

(1) In accordance with requirements of the Washington Public Records Act that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of

the agency, public records may be inspected or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(a) **Written Requests.** A request shall be made in writing (or by fax or electronic mail if desired) upon a form prescribed by the County agency which shall be available at the offices where records are maintained. A request that is made other than upon the form prescribed by the office is permissible, but must provide the information listed in (i) through (vi) of this subsection. The request form shall be presented to the public records officer or public records coordinator, or to a member of the staff designated by him or her, if the public records officer or coordinator is not available, at the office during the office hours specified in this chapter. The request shall include the following information:

(i) The name of the person requesting the record, together with appropriate contact information;

(ii) The time of day and calendar date on which the request was made;

(iii) The nature of the request;

(iv) If the request is for a list of individuals, the requester shall certify that the request is not for commercial purposes, except as provided by State law;

(v) The requester, at his or her option, may provide additional information necessary to determine the application of a statute or other law authorizing disclosure or exemption from disclosure of the record(s) requested.

(b) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer, public records coordinator, or designated staff member to whom the request is made, to assist the member of the public in appropriately identifying and locating the public record requested.

(2) **Informal Requests.** Certain departments and offices of elected officials, which have records in certain forms which have customarily been open to public inspection and/or copying, may, at the option of the heads of such departments or elected officials, permit inspection and copying without requiring such requests in writing.

(3) **Lack of Existing Records.** County employees are not required to create documents in response to a public records request or to perform research, retrieve data, provide analysis, information or any report relating to the conduct of County business when no document exists that is responsive to the request.

**2.70.090 Hours for seeking public records.**

Public records shall be available for inspection and copying during the customary office hours of each County agency, as defined in section 2.70.030. PROVIDED, that if the agency does not have customary office hours of at least thirty hours per week, the public records shall be available from nine o'clock a.m. to noon and from one o'clock p.m. to four o'clock p.m., Monday through Friday, excluding legal holidays, unless the person making the request and the agency agree on a different time.

**2.70.100 Response for request for public records.**

(1) Upon receipt of a request for disclosure of public records, the receiving County agency shall respond promptly. Within five business days of receiving a public records request, the receiving agency shall respond by:

(a) Providing the record; or

(b) Providing a portion or an installment of the record pending completion of action on the request; or

(c) Acknowledging that the office has received the request and providing a reasonable estimate of the time the office will require to respond to the request; or

(d) Denying the public record request. Agency responses refusing in whole or in part the inspection of a public record shall include a statement of the specific exemption authorizing the withholding of the record or any part thereof.

(2) Additional time for the office to respond to a request may be based upon the need to:

(a) Clarify the intent of the request;

(b) Locate and assemble the records requested;

(c) Notify third parties or agencies affected by the request; or

(d) Determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

(3) In acknowledging receipt of a public record request that is unclear, the office may ask the requester to clarify what information the requester is seeking. If the requester fails to clarify the request, the office shall notify the requestor in writing that no response to the request will be forthcoming.

**2.70.110 Fees; production in installments.**

(1) Inspection. No fee shall be charged for the inspection of public records. No fee shall be charged for locating public documents and making them available for copying.

(2) Fees for Copying. A reasonable charge may be imposed for providing copies of public records and for the use by any person of available County equipment to copy public records, which charges shall not exceed the amount necessary to reimburse the County for its actual costs directly incident to such copying.

(a) Charges for photocopies shall be imposed in accordance with the actual per-page cost or other costs established and published by County departments, offices, agencies, boards, bureaus, divisions or commissions. Except as expressly authorized by statute, in no event may a County agency charge a per-page cost greater than the actual per-page cost as established and published by the various County entities.

(b) Requests of a significant nature and magnitude may be copied by a commercial vendor and will be subject to a deposit, based on the estimated cost, before copying.

(c) To the extent the individual County agency has not established the actual per-page cost for photocopies of its public records, it may not charge in excess of fifteen cents per page, or as otherwise provided by state law.

(3) The actual cost of postage, delivery charges, containers or envelopes used to mail the records to the requestor may be charged.

(4) Any County agency may require a deposit in an amount not to exceed ten percent of the estimated cost of providing copies for a request. If an agency makes a request available on a partial or installment basis, the agency may charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed, the agency is not obligated to fulfill the balance of the request.

**2.70.120 Protection of public records.**

(1) No person shall knowingly alter, deface or destroy public records of the agency.

(2) Original public records of the agency shall not be removed from the possession of any County agency or its employees, except in the case of commercial copying.

(3) The public records officer is authorized to promulgate policies to ensure, to the extent practicable, that requested records are not removed from the premises nor portions thereof removed by members of the public.

**2.70.130 Retention of public records.**

(1) Retention. Public records of County agencies shall be retained in accordance with retention schedules, or any exceptions to those schedules promulgated by the Washington Secretary of State.

(2) Destruction. No public record scheduled for destruction under an applicable retention schedule shall be destroyed while the record is subject to a pending public records request.

**2.70.140 Exemptions.**

(1) Each County agency has the right to determine that a public record requested in accordance with the procedures outlined in this chapter is exempt under the provisions of the Washington Public Records Act or other law.

(2) Each County agency reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by the Washington Public Records Act or other law.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific statutory or case law basis authorizing the withholding or redaction of the record and a brief explanation of how the exemption applies to the record withheld.

**2.70.150 Review of denial or redaction of public records.**

(1) Each elected County officer, and presiding judges of the superior and district courts, with the advice and consent of the public records officer, may establish or cause to be established mechanisms for the review of decisions denying inspection of public records for their respective departments of County government. Upon approval by the public records officer, each mechanism for review shall be included in the County's Public Records Procedures, as described in section 2.70.060(2). In the absence of such established mechanism, the following procedure shall apply:

(a) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review to the public records officer. The written request shall specifically refer to the written statement by the public records officer, public records coordinator, or other staff member which constituted or accompanied the

denial.

(b) Within five business days of receipt of the petition, the public records officer shall affirm or reverse such denial.

(c) Administrative remedies shall not restrict or limit any other remedies available to any requester, agency or interested person.

**2.70.160 Adoption of form.**

(1) The public records officer is authorized to adopt, and from time to time amend or modify, a Clark County Public Records Request Form for general use by all County agencies, except as provided in subparagraph (2) below. The general form shall be designed to attach to or incorporate unique requirements which may apply to the records of specific County agencies.

(2) Each elected County officer, and the presiding judges of the superior and district courts, may adopt a Public Records Request Form for specific use by all persons requesting inspection or copying of the records of the particular County agency or court. Such agency-specific forms may request or require information from the requestor that is unique to the agency. At the option of the elected officer or presiding judge and, upon approval by the public records officer, each agency-specific form shall be designed for attachment to or incorporation in the general Clark County Public Records Request Form described in subparagraph (1) above.