

Great Rivers Behavioral Health Administrative Services Organization

Policy Title:	Public Records Act Compliance	Policy No. 1018.00
Category:	Administrative	Date Adopted: 01/10/2020 Date Revised: Date Reviewed:
Reference:	Washington State Public Records Act Chapter 42.56 RCW	

Policy:

- 1.1. Authority & Purpose
 - 1.1.1. RCW 42.56.070 (1) requires each agency to make available for inspection and copying "nonexempt public records" in accordance with published rules. The act 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. RCW 42.56.070(2) requires each agency to set forth "for informational purposes" every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public records held by that agency.
 - 1.1.2. The purpose of these rules is to establish the procedures that Great Rivers Behavioral Health Administrative Services Organization (hereinafter "Great Rivers BH-ASO") will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of Great Rivers BH-ASO and establish processes for both requestors and Great Rivers BH-ASO staff that are designed to best assist members of the public in obtaining such access.
 - 1.1.3. The purpose of The Public Records Act (the "Act") 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. The Act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the Act, Great Rivers BH-ASO will be guided by the provisions of the Act describing its purposes and interpretation.
- 1.2. Agency Description – Contact Information – Public Records Officer
 - 1.2.1. Great Rivers BH-ASO carries out the responsibilities of a Behavioral Health Organization as defined in RCW 71.24.045. The Great Rivers business office is located at 57 West Main Street, Suite 185, Chehalis, WA 98532.
 - 1.2.2. Any person wishing to request access to public records of Great Rivers BH-ASO, or seeking assistance in making such a request should contact the Public Records Officer:

Public Records Officer
Great Rivers Behavioral Health Administrative Service Organization
P.O. Box 1477
57 Main Street, Suite 185
Chehalis, WA 98532
(800) 215-4460 (fax) (855) 936-1291

Information is also available at Great Rivers BH-ASO website at <https://www.grbhaso.org/>
 - 1.2.3. The Public Records Officer will oversee compliance with the act but another Great Rivers

BH-ASO staff member may process the request. Therefore, these rules will refer to the Public Records Officer "or designee". The Public Records Officer or designee and Great Rivers BH-ASO will provide the fullest assistance to requestors; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of Great Rivers BH-ASO.

1.3. Availability of Public Records

- 1.3.1. Hours for inspection of records. Public records are available for inspection and copying during normal business hours of Great Rivers BH-ASO, Monday through Friday 8:00 a.m. to 5:00 p.m., excluding legal holidays. Records must be inspected at the business office of Great Rivers BH-ASO.
- 1.3.2. Great Rivers BH-ASO finds that maintaining an index is unduly burdensome and would interfere with agency operations. The requirement would unduly burden or interfere with Great Rivers BH-ASO operations in the following ways: the large volume of records maintained by Great Rivers BH-ASO would make it cost prohibitive to develop and update an index system. It is the policy of Great Rivers BH-ASO to maximize the percentage of funds going to direct services for clients and to minimize administrative costs.
- 1.3.3. Organization of records. Great Rivers BH-ASO will maintain its records in a reasonably organized manner. Great Rivers BH-ASO will take reasonable actions to protect records from damage and disorganization. A requestor shall not take Great Rivers BH-ASO records from Great Rivers BH-ASO offices without the permission of the Public Records Officer or designee. A variety of records is available on Great Rivers BH-ASO web site at <https://www.grbhaso.org>. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

1.4. Making a Request for Public Records

- 1.4.1. Any person wishing to inspect or copy public records of Great Rivers BH-ASO should make the request in writing on Great Rivers' BH-ASO request form, or by letter, fax, or email addressed to the Public Records Officer and including the following information:
 - 1.4.1.1. Name of requestor;
 - 1.4.1.2. Address of requestor;
 - 1.4.1.3. Other contact information, including telephone number and any e-mail address;
 - 1.4.1.4. Identification of the public records adequate for the Public Records Officer or designee to locate the records; and
 - 1.4.1.5. The date and time of the request
- 1.4.2. If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to section (insert section), standard photocopies will be provided at fifteen (15) cents per page.
- 1.4.3. A form is available for use by requestors at the office of the Public Records Officer and on-line at <https://www.grbhaso.org>.
- 1.4.4. A records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the Public Records Officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

1.5. Processing of Public Records Requests – General

- 1.5.1. Providing "fullest assistance". Great Rivers BH-ASO is charged by statute with adopting rules which provide for how it will "provide full access to public records," "protect records

from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The Public Records Officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

- 1.5.2. Acknowledging receipt of request. Within five business days of receipt of the request, the Public Records Officer will do one or more of the following:
 - 1.5.2.1. Make the records available for inspection or copying;
 - 1.5.2.2. If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
 - 1.5.2.3. Provide a reasonable estimate of when records will be available; or
 - 1.5.2.4. If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The Public Records Officer or designee may revise the estimate of when records will be available; or
 - 1.5.2.5. Deny the request
- 1.5.3. Consequences of failure to respond. If Great Rivers BH-ASO does not respond in writing within five (5) business days of receipt of the request for disclosure, the requestor should consider contacting the Public Records Officer to determine the reason for the failure to respond.
- 1.5.4. Protecting rights of others. In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the Public Records Officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, 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.
- 1.5.5. Records exempt from disclosure. Some records are exempt from disclosure, in whole or in part. If Great Rivers BH-ASO believes that a record is exempt from disclosure and should be withheld, the Public Records Officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the Public Records Officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.
- 1.5.6. Inspection of records.
 - 1.5.6.1. Consistent with other demands, Great Rivers BH-ASO 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 the agency to copy.
 - 1.5.6.2. The requestor must claim or review the assembled records within thirty days of Great Rivers' BH-ASO notification to him or her that the records are available for inspection or copying. Great Rivers BH-ASO will notify the requestor in writing of this requirement and inform the requestor that he or she should contact Great Rivers BH-ASO 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 thirty-day period or make other arrangements, Great Rivers BH-ASO may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which

can be processed as a new request.

- 1.5.7. Providing copies of records. After inspection is complete, the Public Records Officer or designee shall make the requested copies or arrange for copying.
 - 1.5.8. Providing records in installment. When the request is for a large number of records, the Public Records Officer or designee will 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 way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the Public Records Officer or designee may stop searching for the remaining records and close the request.
 - 1.5.9. Completion of inspection. When the inspection of the requested records is complete and all requested copies are provided, the Public Records Officer or designee will indicate that Great Rivers BH-ASO has completed a diligent search for the requested records and made any located nonexempt records available for inspection.
 - 1.5.10. 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 Public Records Officer will close the request and indicate to the requestor that Great Rivers has closed the request.
 - 1.5.11. Later discovered documents. If, after Great Rivers BH-ASO has informed the requestor that it has provided all available records, Great Rivers BH-ASO becomes aware of additional responsive documents existing at the time of request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.
- 1.6. Processing of Public Records Requests – Electronic Records
- 1.6.1. Requesting electronic records. The process for requesting electronic public records is the same as for requesting paper public records.
 - 1.6.2. Providing electronic records. When a requestor requests records in an electronic format, the Public Records Officer 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 commercially 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 governed by WAC 44-14-07003.
 - 1.6.3. Customized access to data bases. With the consent of the requestor, Great Rivers BH-ASO may provide customized access under RCS 43.105.280 if the record is not reasonably locatable or not reasonably translatable into the format requested. Great Rivers BH-ASO may charge a fee consistent with RCW 44-14-07003 for such customized access.
- 1.7. Exemptions
- 1.7.1. The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by Great Rivers BH-ASO for inspection and copying:
 - 1.7.1.1. Health Insurance Portability and Accountability Act ("HIPPA") (45 CFR Part, 160, Part 162 and Part 164);
 - 1.7.1.2. Health Information Technology for Economic and Clinical Health Act ("HITECH") 42 CFR: Parts 412, 413, 422 and 495 and 45 CFR: Subtitle A Subchapter D 42 USC 290-dd and 42 CFR Part 2 (collectively, "Part 2")
 - 1.7.1.3. Washington Healthcare Information Act, Chapter 70.02, Revised Code of Washington
- 1.8. Costs of Providing Copies of Public Records

- 1.8.1. Costs for paper copies. There is no fee for inspecting public records. A requestor may obtain standard black and white photocopies for fifteen (15) cents per page.
- 1.8.2. Before beginning to make the copies, the Public Records Officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The Public Records Officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. Great Rivers BH-ASO will not charge sales tax when it makes copies of public records.
- 1.8.3. Costs for electronic records. The cost of electronic copies of records shall be (amount) for information on a CD-ROM. (If Great Rivers BH-ASO has scanning equipment at its office: The cost of scanning existing Great Rivers BH-ASO paper or other non-electronic records is (amount) per page.) There will be no charge for e-mailing electronic records to a requestor, unless another cost applies such as a scanning fee.
- 1.8.4. Costs of mailing. Great Rivers BH-ASO may also charge actual costs of mailing, including the cost of the shipping container.
- 1.8.5. Payment. Payment may be made by cash, check, or money order to Great Rivers Behavioral Health Administrative Service Organization, LLC.
- 1.9. Review of Denials of Public Records
 - 1.9.1. 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 e-mail) to the Public Records Officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the Public Records Officer or designee denying the request.
 - 1.9.2. Consideration of petition for review. The Public Records Officer shall promptly provide the petition and any other relevant information to (Public Records Officer's supervisor or other agency official designated by the agency to conduct the review). That person will immediately consider the petition and either affirm or reverse the denial within two business days following Great River's receipt of the petition, or within such other time as Great Rivers BH-ASO and the requestor mutually agree to.
 - 1.9.3. Judicial review. Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

POLICY SIGNATURE

DocuSigned by:

Edna J. Fund

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4/14/2020

Edna J. Fund, Chair
Great Rivers BH-ASO Governing Board

Date