



PUGET SOUND EMERGENCY RADIO NETWORK OPERATOR

RESOLUTION NO. 24-03

RESOLUTION OF THE PUGET SOUND EMERGENCY RADIO NETWORK OPERATOR ADOPTING A PUBLIC RECORDS POLICY

RECITALS

WHEREAS, in accordance with Section 14 of the Puget Sound Emergency Radio Network Operator Interlocal Cooperation Agreement (the "Interlocal Agreement"), by and among King County and the cities of Auburn, Bellevue, Federal Way, Issaquah, Kent, Kirkland, Mercer Island, Redmond, Renton, Seattle, and Tukwila, the Board of Directors (the "Board") of the Puget Sound Emergency Radio Network Operator ("PSERN Operator") is responsible for managing and producing public records of the PSERN Operator in compliance with state law including the Washington Public Records Act, ch. 42.56 RCW; and

WHEREAS, RCW 42.56.100 directs that agencies shall adopt and enforce reasonable rules and regulations "to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency; and

WHEREAS, after due consideration the Board now desires to adopt the Public Records Policy as set forth herein;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE PUGET SOUND EMERGENCY RADIO NETWORK OPERATOR AS FOLLOWS:

Section 1. Adoption of Public Records Policy. The Board hereby approves and adopts the Puget Sound Emergency Radio Network Operator Public Records Policy, which is attached hereto as Exhibit A and is incorporated herein by reference.

Section 2. Delegation of Director's Authority. The Board hereby appoints a public records officer to be named by the Executive Director. The Board delegates the authority of the Director to respond to public records requests under paragraph 14.3 of the Interlocal Agreement to the public records officer per the Public Records Policy, except as otherwise specified in the policy.

Section 3. Order on Indexing. Pursuant to RCW 42.56.070(4), given the volume and form of the records at issue, the Board hereby formally orders that it is unduly burdensome to maintain a central index of records as required by RCW 42.56.070(3). PSERN will make available for public

inspection and copying all indexes maintained for agency use.

Section 4. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this resolution is declared unconstitutional or invalid for any reason, such decision shall not affect the viability of the remaining portions of this resolution.

Section 5. Effective Date. This resolution shall take effect immediately upon its passage and adoption.

ADOPTED by unanimous vote at a regular meeting of the Puget Sound Emergency Radio Network Operator Board of Directors on this 23rd day of May, 2024.


Chief Harold Scoggins May 31, 2024 07:40 PDT

Chief Harold Scoggins, Chairperson, Board of
Directors,
Puget Sound Emergency Radio Network
Operator

PUGET SOUND EMERGENCY RADIO NETWORK OPERATOR
PUBLIC RECORDS POLICY

I. Introduction

This policy, adopted pursuant to RCW 42.56.100, establishes the procedures the Puget Sound Emergency Radio Network Operator (“PSERN”) will follow to provide access to public records as defined under Washington’s Public Records Act (“PRA”), chapter 42.56 RCW. These procedures provide information to persons wishing to request access to public records maintained by PSERN and establish processes for both the requestors and PSERN staff who are designated to assist members of the public in obtaining such access.

PSERN is a voter-approved emergency radio system used for dispatching and communications between fire, law enforcement, and other agencies in King County. It is a simulcast 800MHz trunked radio system, utilizing P25 Phase II digital technology to broadcast via 61 radio sites between over 18,000 portable (hand-held), mobile (vehicle), and control station (desktop) radios, as well as dispatch center consoles, within the PSERN service area. PSERN is owned, managed, maintained and operated by the PSERN Operator, a governmental agency formed by an interlocal agreement among King County and 11 cities. Under that agreement, the PSERN Executive Director “shall keep records related to the PSERN System and PSERN Operator as required by law and in accordance with the policies, procedures and retention schedules as may be established by the Board of Directors.”

It is the policy of PSERN to disclose and produce records in compliance with the PRA and other applicable provisions of federal or state law. PSERN provides access to information concerning the conduct of government, being mindful of grounds for lawful exemptions from production including individuals' privacy rights and security.

Pursuant to RCW 42.56.580, PSERN has an assigned public records officer, identified on the PSERN website, who oversees compliance with the PRA. Other staff may assist in processing requests at the public records officer’s direction.

In accordance with the PRA, the public records officer or their designee will do the following:

1. Provide fullest assistance to requestors as provided by law; and
2. Ensure that public records are reasonably protected from damage, destruction, or disorganization.

Pursuant to RCW 42.56.070(4), PSERN has issued a formal order that it is unduly burdensome to maintain a central index of records as required by RCW 42.56.070(3) and will make available for public inspection and copying all indexes maintained for agency use.

No part of this policy is intended to create any private or other cause of action, nor to afford any right to access records different or apart from what is provided under the PRA.

II. To make a public records request:

Any person wishing to request public records of PSERN should contact the public records officer. Information about PSERN records is also available on the PSERN website, and requestors are encouraged to review records on the website prior to submitting a request.

The public records officer or their designee will ensure compliance with the PRA, offering the fullest assistance to requestors while also preventing public records requests from causing excessive interference with essential functions of PSERN.

Requests should be made in writing to the public records officer by email at the address recordsrequest@psern.org; sent by mail; or hand delivered during normal business hours to the public records officer at the PSERN main office. While it may be permissible to submit requests in ways other than listed in this paragraph, choosing one of these options assures the most efficient receipt of, review of and response to a request.

Requests for public records should include the following:

1. The name and contact information of the requestor (such as an email address, street address, or telephone number) sufficient to provide notice and deliver records;
2. A request for identifiable records that is sufficiently specific to allow the public records officer or designee to locate the records. Please note that requests for information do not qualify as requests for identifiable records;
3. The date of the request's submission;
4. Whether the requestor would like to inspect rather than receive copies of the records and, if copies, how applicable payment will be made; and,
5. The date range of the records requested if not otherwise clear from the request language.

III. Upon receipt of a public records request:

1. The public records officer or designee will confirm receipt of the information and the substance of the request in writing.
2. PSERN will assign the request a tracking number and will keep a log of all such requests using their tracking number.
3. The public records officer or designee will evaluate the request according to the complexity of the request, the volume of requested records, and the availability of requested records.
4. Following the initial evaluation and within five (5) business days of receipt of the request, the public records officer or designee will do one of the following:
 - a. Make the records available; or
 - b. Provide an internet address and link on PSERN's website to the specific records requested;or

- c. Acknowledge receipt of the request and provide a reasonable estimate of when the records or an installment of records will be available (note that this estimate may be revised); or
- d. Acknowledge receipt of the request, ask the requestor to provide clarification as needed, and to the greatest extent possible provide a reasonable estimate of when the records or an installment of records will be available if the request is not clarified; or
- e. Deny the request with a written statement of specific reasons.

If the public records officer or designee does not respond in writing within five (5) business days, the requestor is encouraged to contact the public records officer to assure that the request was received.

Clarification may be requested via any reasonable method of communication and if provided will be memorialized in writing. If the requestor does not respond to a request for clarification, PSERN may respond only to those parts of the request that are sufficiently clear for PSERN to identify responsive records. If the requestor does not respond to a request for clarification and the entire request is unclear, then PSERN need not further respond to the request.

IV. Processing Requests

Electronic Records: PSERN retains most of its records in electronic format and usually will provide records in electronic format unless a paper copy is requested. The volume of records requested may determine the means by which electronic records will be delivered.

Charges for Copying: It would be unduly burdensome for PSERN to calculate its actual costs for providing public records for the following reasons: the agency does not have a set, singular method of providing records; providing records could involve any number of facilities, services, or staff members; determining actual costs in each instance would require substantial work and divert resources away from diligently responding to each request; conducting a cost study would divert limited resources from other essential functions and would not be warranted in light of all the above circumstances; and the statutory rates are reasonable approximations of actual costs. PSERN therefore adopts the charges set forth in RCW 42.56.120 for providing records. PSERN will assess charges consistent with the provisions of that statute. There is no fee for simply inspecting public records.

Deposits and Installments: PSERN may require a requestor to provide an initial deposit of up to ten percent (10%) of the estimated charge of providing copies in response to a given request. PSERN may provide records on an installment basis, and PSERN may charge for each installment as it is produced. If an installment is offered to a requestor but not claimed or reviewed within 30 days (or some other reasonable period of time that PSERN has specified), PSERN will not be obligated to fulfill the balance of the request.

Notice to Others: If the requested records contain information that might affect the rights of others and might be exempt from disclosure, the public records officer or designee may, pursuant to RCW 42.56.540, prior to producing the records, give notice to those whose rights may be affected, including by providing them a copy of the request. In some instances, third-party notice may be required by law. *See, e.g.,* RCW 42.56.250(2), regarding certain information in employee files, and RCW 42.56.590, regarding security breaches. The need to provide notice to third-parties may inform the reasonable time necessary for PSERN

to complete its response to a particular request.

Order of Requests: PSERN will process requests in the order and manner determined to be the most efficient and fair among all requests and requestors.

Automated Requests: PSERN may deny or consider for ordering purposes any records request that the agency reasonably believes was generated by a bot, computer program, or script and is one of multiple requests received from a requestor within a twenty-four (24) hour period if responding to the multiple requests would cause excessive interference with other essential functions of the agency.

V. Exemptions from Production

Exemptions: If PSERN concludes that a record is to be withheld or redacted as exempt from disclosure, the public records officer or designee will state the specific exemption(s) and provide a brief written explanation of why the record or a portion of the record is being withheld. If PSERN later identifies additional exemptions that may apply, it will provide updated notice of those to the requestor. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, PSERN will if technically feasible redact the exempt portions and provide the nonexempt portions.

A non-exhaustive list of commonly invoked exemptions within the PRA include RCW 42.56.230 (personal information); RCW 42.56.240 (protections related to investigative functions, law enforcement and crime victims); RCW 42.56.250 (employment information); RCW 42.56.270 (financial, commercial and proprietary information); RCW 42.56.280 (deliberative process); RCW 42.56.290 (agency party to a controversy); and RCW 42.56.410 (security).

For informational purposes, following is a non-exhaustive list of laws other than the exemptions within the PRA that PSERN believes would be incorporated by RCW 42.56.070(1) and would exempt or prohibit disclosure of specific information or records:

- Privileged communications, including the attorney-client privilege, RCW 5.60.060
- Trade secrets, chapter 19.108 RCW
- Medical records in certain circumstances, RCW 68.50.105 and chapter 70.02 RCW
- Records of a person confined in jail under certain circumstances, RCW 70.48.100
- Criminal records under certain circumstances, chapter 10.97 RCW
- Juvenile records under certain circumstances, chapter 13.50 RCW
- Vehicle or driving records in certain circumstances, RCW 46.12.635; RCW 46.52.130
- Washington State Patrol information under certain circumstances, RCW 43.43.710
- Information automatically or voluntarily submitted through 911 communications under certain circumstances, RCW 38.52.575, .577
- Identities of confidential informants, RCW 9.73.230
- Information about sex or kidnapping offenders under certain circumstances, RCW 4.24.550

VI. Completion of Requests

Closing Requests: When the requestor either withdraws the request, fails to clarify an entirely unclear request, fails to make payment, or fails to claim or review an installment within the time provided, the public records officer or designee may close the request and notify the requestor of closure. When all requested records have been provided, the public records officer or designee will close the request and notify the requestor that the request has been closed. A description of the outcome will be memorialized in PSERN's public records log.

Closing letters must be written in plain language and should include at least the following information: (1) how the PRA request was fulfilled and why PSERN is now closing the request; (2) that the PRA's one-year statute of limitations to seek judicial review has started to run because PSERN does not intend to further address the request, and (3) that the requestor may ask follow-up questions if they wish within a reasonable, specified, time frame.

Agency Review: Any person who objects to PSERN's response to their public records request may, within ten (10) business days from the date of the response, petition in writing to the PSERN Executive Director for an administrative review. The petition may be delivered to the public records officer to be forwarded to the Executive Director. The petition should identify the public records request and PSERN's response, and it should explain the basis for the requestor's objection and the administrative remedy requested. The Executive Director shall promptly consider the petition and either affirm or modify the agency's response. The Executive Director shall endeavor to respond to the petition within five (5) business days or as soon thereafter as practicable.

Later Discovered Documents: If, after PSERN has informed the requestor that it has provided all available records, PSERN becomes aware of additional responsive records existing at the time of the request, it will endeavor to provide them to the requestor.

VII. Records Retention

PSERN retains its records in accordance with the requirements of chapter 40.14 RCW as well as local schedules including the Washington State Local Government Common Records Retention Schedule (CORE), the Law Enforcement Schedule, and the Emergency Communications Schedule where applicable.

PSERN has established the following record retention schedules for certain records, if retained by PSERN, that meets or exceeds the preceding retention schedules:

1. Washington State Emergency Communications (911) Records Retention Schedule:
 - a. Radio Logs – 60 days after date of last entry
 - b. Computer-Aided Dispatch (CAD) – Incident Files Individual descriptive reports and summaries of all calls for services processed through local Public Safety Answering Points

(PSAP), statewide default answering points, or other emergency answering points - 1 year after end of calendar year

2. Washington State Fire Protection and Emergency Medical Services Retention Schedule:

- a. Radio Logs – 90 days after date of document

3. Washington State Law Enforcement Records Retention Schedule:

- a. All Radio Transmissions – 90 days after conclusion of dispatch action
- b. Non-emergency incident reports - 90 days after report received or conclusion of dispatch action, whichever is later

4. Washington State Local Government Common Records Retention Schedule

- a. Major and regulated maintenance - 6 years after asset no longer owned by agency
- b. Minor maintenance - 3 years after end of fiscal year
- c. Accounting/Financial Transactions - 6 years after end of fiscal year






PSErn Public Records Access Policy Resolution 24-03

Final Audit Report

2024-05-31

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| Created: | 2024-05-29 |
| By: | Tracey Doss (tracey.doss@psern.org) |
| Status: | Signed |
| Transaction ID: | CBJCHBCAABAAO1bQJfdCdy9sPVSIDWAwSGju8bEW6-UP |

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-  Email viewed by Chief Harold Scoggins (harold.scoggins@seattle.gov)
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