

**Montesano Municipal Court
Administrative Public Records Requests
Policy and Procedures**

POLICY STATEMENT:

Montesano Municipal Court will respond promptly to all requests for administrative records in accordance with General Rule 31.1 (GR 31.1 Access to Administrative Records). The Court handles administrative records requests consistent with the principles of open administration of justice and will make every effort to comply with the letter and spirit of GR 31.1.

A. Public Records Officer.

The Montesano Municipal Court designates the Montesano Municipal Court Administrator as its Public Records Officer. The Public Records Officer is responsible for supervising and coordinating the Court's overall public records process in accordance with this policy, and may delegate tasks to appropriate court staff. The Public Records Officer may be contacted as follows:

Montesano Municipal Court
Public Records Officer
112 N Main Street / 2nd Floor
Montesano, WA 98563

B. Requests for Records.

Requests for administrative records must be submitted by U.S. mail, or delivery to the Montesano Municipal Court Office as follows:

Mailing Address: Montesano Municipal Court
Public Records Officer
112 N Main Street
Montesano, WA 98563

1. Court Receipt of Public Record Requests.

All public record requests must be directed to the public records officer of the court. Public record requests that are sent to other individuals will not be considered official public record requests and will not be subject to the timelines provided in any law, rule, or policy applicable to the request. Public records requests directed to other City of Montesano staff may not be accepted. It is the responsibility of the requester to provide the public record request to the public records officer of the court.

2. Identity of Requestor.

The person requesting a public record must provide his or her name and contact information. Requests that omit this information will not be processed.

If a request is made on behalf of an entity or other person, the requestor is required to provide all of the following information: the name of the other person

or entity, the requestor's name, and the requestor's relationship with the other person or entity.

C. Processing Records Requests.

1. Providing Response to the Requestor.

The public records officer will respond to the requestor within five business days after receiving the request by: (1) providing responsive records and/or a statement explaining why any records or portions of records are withheld from disclosure; (2) providing an estimated date by which a response will be provided; (3) requesting clarification of the request; (4) Detailing any required fees that must be paid for the requested records; or (5) denying the request and an explanation for the denial. The public records officer will make every effort to work with the requestor to clarify the request and to provide responsive records within the estimated timeline. In this policy, "working days" means days in which the court is open.

The request will be closed if a response sent by mail to the requestor at the address provided in the request is returned or undeliverable and no other contact information has been provided.

2. Protecting Public Records.

Original public records shall not be removed from any city agency, except under the direction of the public records officer.

3. Electronic Records.

Electronic records will be provided in a format specified by the requestor where practicable. The court does not warrant or in any way guarantee the accuracy or completeness of any public records that are sent electronically through the internet.

Records that require redaction or other manipulation may be provided in the format determined by the court and the corresponding fees may be imposed, including time for preparing redacted records.

4. Fees for Public Records.

The Court will charge a requester for research time required to locate, obtain, or prepare the records at a rate of \$30 per hour for any request taking longer than one hour beginning with the second hour, and prorated in increments of 15 minutes. Additionally, a fee for photocopying or scanning of records will apply as stated below. The payment of estimated copying or production fees may be required by the court before performing any work necessary to produce the records for the requester. Payment will be accepted by check or money order.

Standard Fees:

- Fifteen cents (15¢) per page for standard, (8½ x 11), black and white copies.
- Thirty cents (30¢) per page for double sided copies.
- Ten cents (10¢) per page for scanned documents.
- Actual postage and shipping costs, including the cost of required containers.

5. Closing Withdrawn or Abandoned Public Records Requests.

The court may close, as completed, any public records request where the Requester failed to claim or review assembled records within thirty days of notification that the records are available for inspection or copying, or respond within 30 days to a request for clarification or other information needed to process a request.

D. Procedure for Review of Court Response.

Any requestor who objects to the response to his or her public record request may seek review by using the following procedure:

1. Internal review.

- a. Requests for review must be in writing and submitted on the Request for Review of Records Officer's Decision form. The form must include the requestor's name and address and (1) a copy of the public record request and (2) a copy of the records officer's decision.
- b. Requests for review must be submitted to the Court within 90 days after the response was completed. Requests for review are untimely and will not be considered if they are submitted before the request for records is closed or completed, or if they are submitted more than 90 days after closure or completion of the request.
- c. Internal Reviews will be conducted by the Presiding Judge, or by another judge that the Presiding Judge designates to conduct the review without a hearing.
- d. Internal reviews are administrative in nature and are not a court hearing.
- e. The internal review will be held within five business days of the date the request for review was received if reasonably possible, or, if not reasonably possible, will be scheduled for review within five days for the earliest practical date.

2. External Review.

Only after an internal review is conducted, the requester may seek external review under GR 31.1(d)(4). A request for external review must be submitted within 30 days of the issuance of the final decision of the internal review. There are two ways to seek external review.

a. Civil Action.

The requester may use a judicial writ of mandamus, prohibition, or certiorari to file a civil action in superior court challenging the records decision.

b. Informal Review by Visiting Judge or Other Outside Decision Maker.

The requester may request external review by a visiting judge in writing.