

## RESOLUTION 2024-03

### ASSOCIATION OF WASHINGTON CITIES EMPLOYEE BENEFIT TRUST HEALTH CARE PROGRAM

#### A RESOLUTION UPDATING A PUBLIC RECORDS REQUEST POLICY AND DECLARATION OF STATUTORY DEFAULT COSTS

##### I. Purpose

The Health Care Program (“**HCP**”) is a joint self-insurance program provided under the Association of Washington Cities Employee Benefit Trust that is authorized under Chapter 48.62 of the Revised Code of Washington. Records of the HCP are statutorily subject to disclosure in accordance with the Public Records Act of the State of Washington, Chapter 42.56 RCW, as provided under RCW 48.62.101(2).

In 2021 and 2024, consistent with Article IV, section 10, of the Trust Agreement, the Board of Trustees for the HCP (“**HCP Board**”) adopted and updated this Policy to respond to and fulfill public records requests on behalf of the HCP, as well as a declaration to implement statutory default costs for any fees charged to fulfill such requests. The AWC Trust HCP has determined that it is now necessary to update this resolution to reflect a title change that occurred in 2022.

Except to the extent it is mandated by statute, any duty or practice identified in this Policy is discretionary and advisory only and shall not impose any affirmative duty on the HCP. The HCP Board reserves the right to revise or change this Policy at any time. The Public Records Officer shall have the authority and responsibility for administration of this Policy as specified herein, including determinations as to whether any request received by the HCP constitutes a “Public Records Request” subject to this Policy. Questions regarding the application and interpretation of this Policy shall be directed to the Chair.

This Policy shall be available at the AWC Trust offices and posted on the AWC Trust website. All Public Records Requests shall be inspected at the AWC Trust offices in accordance with Section G of this Policy. Regular office hours are 8 a.m. to 5 p.m., Monday through Friday, except for legal and declared holidays.

##### II. Definitions

**A. Incorporation of Definitions.** This Policy incorporates the definitions provided under RCW 42.56.010, to the extent not specifically provided herein.

**B. Additional Definitions.**

1. “**Act**” or “**PRA**” means the Public Records Act, at Chapter 42.56 RCW.
2. “**AWC Trust**” or “**Trust**” means the Association of Washington Cities Employee Benefit Trust.
3. “**Chair**” means the Chair of the HCP Board, or their designee.
4. “**BOT Request**” means automatically generated requests received from the same requestor within a 24-hour period.
5. “**Exemption**” refers to any statutory provision allowing or requiring Withholding of information or records in response to a Public Records Request.
6. “**Health Care Program**” or “**HCP**” means the joint self-insurance program provided under the AWC Trust which was created by Interlocal Agreement, approved and qualified under Chapter 48.62 RCW, effective January 1, 2014, for the purpose of offering self-insured health care benefits.

7. **“HCP Board”** means the AWC Trust Board of Trustees for the Health Care Program.
8. **“HCP Party”** means all HCP Board members, AWC Trust Board of Trustees and committee members, and Association of Washington Cities employees who provide services to support the operations of the HCP.
9. **“Policy”** means this policy.
10. **“Public Record”** means any writing containing information relating to the HCP that is prepared, owned, used, or retained by the AWC Trust, regardless of its physical form or characteristics, and subject to disclosure under the PRA pursuant to RCW 48.62.101. A record created or received by an HCP Party using a privately-owned device qualifies as a “Public Record” only if (i) the individual was acting within the scope of their duties as an HCP Party when the record was created or received, or (ii) the record is subsequently used or retained by the AWC Trust for HCP purposes.
11. **“Public Records Officer”** is the individual identified in Section III.A.1 of this Policy.
12. **“Public Records Request”** means a request for Public Records made pursuant to the PRA and received by the HCP.
13. **“Requestor”** means the person or entity that has made a Public Records Request.
14. **“Withholding”** or **“Withheld”** means nondisclosure or redaction of a record, in whole or in part, pursuant to an Exemption.
15. **“Third-Party Notification”** refers to the notice that the Public Records Officer provides to a third party who is named in a Public Record(s) or to whom such Public Record(s) specifically pertains, informing the third party that release of such Public Record(s) has been requested, the anticipated date of disclosure, and the third party’s right under the PRA to seek an injunction to prevent such disclosure.

### III. Guidelines

#### A. Public Records Requests

##### 1. Public Records Officer

The Employee Benefits Analyst shall serve as the Public Records Officer. The Public Records Officer shall be responsible for compliance with the PRA and this Policy. The Public Records Officer may, however, delegate any of their responsibilities to an HCP Party or another designee. If the Public Records Officer becomes unavailable due to vacation, sick leave or otherwise, the Public Records Officer shall coordinate with an HCP Party or another designee to carry out the responsibilities provided herein.

Without limiting their authority and obligations as otherwise provided herein, the Public Records Officer will:

- a. Be responsible for implementing the process for public record disclosures;
- b. Serve as the principle contact for any Requestor who has made a Public Records Request, unless the Public Records Officer has delegated this responsibility;
- c. Coordinate with other HCP Parties, to the extent that the Public Records Officer determines such coordination is necessary to ensure compliance with the PRA and this Policy;
- d. Obtain input from the Chair, legal counsel for the AWC Trust, or an HCP Party, to the extent that the Public Records Officer determines such consultation is necessary to process Public Records Requests, including to determine any applicable Exemptions;

- e. Maintain indices for this Policy, if any;
- f. Implement additional processes and protocols, to the extent determined by the Public Records Officer to be necessary to protect Public Records from damage or disorganization and to prevent the fulfillment of Public Records Request under this Policy from causing excessive interference with essential functions of the HCP; and
- g. Remain current with appropriate training as required for public records officers under Washington State law.

## **2. Making Public Records Requests**

- a. Public Records may be inspected, or copies of Public Records may be obtained, by following the procedures provided in this Section 2. All Public Records Requests must be directed to the Public Records Officer. Public Records Requests may be submitted as follows:
  - i. In person, at the AWC Trust office address below;
  - ii. Via first-class mail, addressed to the Public Records Officer at the address below; or
  - iii. Via email, addressed to the Public Records Officer at the email below.

Health Care Program of the Association of Washington Cities Employee Benefit Trust  
Attn: Public Records Officer  
c/o Association of Washington Cities  
1076 Franklin Street, S.E.  
Olympia, WA 98501  
bobbif@awcnet.org

The name and contact information for the Public Records Officer is also posted on the AWC Trust website. In-person requests must be made during regular office hours.

Public Records Requests should include the following information:

- i. An indication that the request is being made for access to a public record pursuant to the PRA;
- ii. The Requestor's name, mailing address, and convenient means of contact (e.g., an email address, phone number, fax number, etc.);
- iii. The date of the request;
- iv. A thorough description of the requested records, with sufficient detail to allow the Public Records Officer to identify responsive records;
- v. The date range of the requested records; and
- vi. The requested method of delivery of the records. Unless the Requestor has communicated otherwise, or the Public Records Officer has determined another method is more appropriate, records shall be made available via email.

### **b. Oral Requests**

Requestors are strongly encouraged to make written requests, including given recognition by Washington courts that oral requests for public records can be problematic. Any oral request must be made during regular office hours to the Public Records Officer or other live person should not be made through voicemail unless the Requestor provides sufficient information for the Public Records Officer to contact him or her to clarify or confirm the request. When the Public Records Officer receives an oral request, the Public Records Officer will confirm their understanding of the oral request in the initial five-day response to the Requestor. The Public Records Officer will use this written confirmation

to define the scope of the request, unless the Requestor clarifies the request within five (5) business days.

**c. Reasonable Notice**

It is the Requestor's obligation to provide the HCP with fair notice that a Public Records Request has been made. There may be instances in which fair notice has not been provided, for example, if a Requestor submits the request to an individual who is not the Public Records Officer, or if a Requestor includes the request as part of other documents provided to the HCP for reasons other than making a Public Records Request. To ensure fair notice is provided to the HCP, Requestors are encouraged to submit a request in a writing that is directed to the Public Records Officer. If the request is submitted with other documents unrelated to the disclosure of public records, it is the Requestor's responsibility to provide the Public Records Officer reasonable notice that a Public Records Request is included.

**d. Identifiable Records**

A Public Records Request must be for an "identifiable record" or class of "identifiable records." The Requestor must provide sufficient detail to allow the Public Records Officer to reasonably locate the requested record(s). A request for "all" or "substantially all" records would not be a valid request for identifiable records. When a Requestor uses the phrase "all records relating to" in their request, the Public Records Officer will interpret the request to be for records that directly and fairly address the topic described in the request, and not for all records containing key words that may be related or used within the request.

**e. Employment Records**

The HCP has no employees. However, if the Public Records Officer receives a request from a Requestor seeking their own employment records, the Public Records Officer will ask the Requestor to confirm whether the request is being made pursuant to the PRA or pursuant to some other right in law or contract. If the Requestor elects to pursue such records pursuant to the PRA, the Public Records Officer shall handle the request in accordance with this Policy. If the Requestor elects to pursue such records pursuant to a separate right in law or contract, the Public Records Officer will refer the request to the appropriate HCP Party or other authorized individual and consider the request closed for purposes of this Policy.

**B. Responding to Public Records Requests**

**1. Initial Five-Day Response**

The Public Records Officer will promptly respond to Public Records Requests. Within five (5) business days of receiving a Public Records Request, the Public Records Officer must acknowledge receipt of the request in writing and take one or more of the following actions:

- a.** Provide notice if any responsive records are currently available on the AWC Trust website, or make responsive records available to the Requestor;
- b.** Acknowledge receipt of the request, ask the Requestor for clarification if all or part of the request is unclear, and provide a reasonable estimate of when records will be made available; or
- c.** Deny the request.

## **2. Reasonable Estimate of Time**

When providing a reasonable estimate of time required to fulfill a Public Records Request (or to provide an installment of responsive records), the Public Records Officer may consider the time required to refine or clarify a request, to locate or retrieve requested records, to provide any Third-Party Notifications, to consult with appropriate HCP Parties or legal counsel regarding potential Exemptions, to Withhold records pursuant to any Exemption and create associated documentation, and any other factors that the Public Records Officer determines may affect the time needed to respond to the request.

## **3. Clarification**

When the Public Records Officer receives a request that they believe to be broad, vague in nature, or unclear, the Public Records Officer may request clarification from the Requestor to ensure that appropriate records are identified and to determine if the request can be narrowed or clarified. Clarification shall focus on information needed to identify responsive records.

While requestors usually cannot be required to explain why they are seeking records, the PRA does encourage communication between a public records officer and a requestor. The Public Records Officer shall be committed to assisting a Requestor in obtaining the records that they are looking for without also producing a large volume of records that the Requestor does not want. To achieve this goal, for certain requests, the Public Records Officer will attempt to understand why, or what records a Requestor is seeking. Except as provided in section III.B.4, the Public Records Officer shall not use a Requestor's reasons for seeking records as a basis for denying the request.

## **4. Reasons for Denial of a Request**

A request will be denied if the Public Records Officer determines that:

- a. There are no records responsive to the request;
- b. The request is a BOT Request and responding would cause excessive interference with other essential functions of the HCP;
- c. The request is for a list of individuals that the Requestor intends to use for commercial purposes; or
- d. The request is for records subject to Withholding pursuant to an Exemption.

When a Requestor requests a list of individuals, the Requestor should explain the intended use of the list and may be asked to sign a declaration or affidavit providing that the list will not be used for commercial purposes. This exception is very narrow and applies only to a list of individuals included in a request.

## **5. Installments**

When a Public Records Request is for a large volume of records, the Public Records Officer may, in their discretion, elect to provide records on an installment basis. If a Requestor does not contact the Public Records Officer within thirty (30) calendar days of being notified that the records are available and arrange for the review of an installment, the Public Records Officer may deem the request abandoned, stop fulfilling the remainder of the request, and close the request.

## **6. Existing Records**

The Public Records Officer will respond to a Public Records Request with responsive records existing as of the date of the request. The PRA does not apply to requests for information, nor

does the PRA require the creation of a new record. Requestors cannot make “standing” Public Records Requests.

**7. Failure to Respond**

If the Public Records Officer or its designee does not respond in writing within five (5) business days of receipt of a Public Records Request, the Requestor is encouraged to contact the Public Records Officer to determine the reason for the failure to respond.

**C. Processing Public Records Requests**

**1. Order of Response**

Requests will be processed and fulfilled in the order that provides the timeliest response. Requests may be fulfilled in the order of receipt so long as easily fulfilled requests are not unduly postponed behind larger or more complicated requests strictly because these were received later.

**2. Locating Responsive Records**

The Public Records Officer will determine which HCP Parties or departments might have responsive records and whether it will be necessary to conduct electronic searches for records. The Public Records Officer will coordinate with HCP Parties or other authorized individuals as needed to locate responsive records. Such individuals shall be prompt in researching and providing any responsive records to the Public Records Officer in accordance with the timeframe requested by the Public Records Officer to locate responsive records.

**3. Identifying Potential Exemptions**

The Public Records Officer is responsible for identifying records, or information contained in records, that may be subject to an Exemption and for determining whether any Exemption applies.

**4. Electronic Records**

Unless a Requestor requests copies of records in a specific format, the Public Records Officer will typically produce records in electronic format. If the electronic record or its attachment does not require redaction, and if it is reasonable and technologically feasible to do so, the record will be provided in its “native” format (such as a Word, PDF, msg, or PST file). Fees may apply as indicated in Section III.F. Electronic records that require redaction usually cannot be produced in native format and will be converted to paper or PDF for purposes of disclosure.

**5. Additional Time to Process Request**

When the Public Records Officer determines that additional time beyond the estimate provided is needed to process the request, the Public Records Officer will notify the Requestor that an extension of time is required and provide an updated estimate of the time needed to respond.

**D. Completing Public Records Requests**

**1. Providing Records**

Once the Public Records Officer has collected all responsive records, has reviewed the responsive records to remove exempt or redacted portions of records, and has prepared an Exemption log, the Public Records Officer will make the records available at that time or notify the Requestor that the records are ready and request payment for any associated fees .

If there are fees associated with the request, the records will be provided once payment has been received. See Section III.G for physical inspection of records.

## **2. Completion of the Request**

The Public Records Officer shall treat a request as completed once:

- a. All copies of the requested records have been provided to the Requestor; or
- b. The Requestor has inspected all requested records; or
- c. Thirty (30) calendar days have passed since the Requestor was notified that the records were available, and the Requestor failed to review those records or make payment for fees associated with the request.

## **3. Closing Withdrawn or Abandoned Files**

The Public Records Officer shall consider a request withdrawn or abandoned and close the request when the Requestor withdraws the request, or when thirty (30) calendar days have passed since:

- a. The Public Records Officer requested clarification of an unclear request, and the Requestor has failed to provide such clarification; or
- b. The Requestor has been notified that a deposit was required to proceed with the request, or the Requestor failed to make payment for the remaining balance of the request or the cost of an installment; or
- c. The Requestor has been notified that records were available and has failed to view those records.

## **E. Exemptions and Withholding of Records**

### **1. Exemptions**

Certain records, in whole or in part, may be subject to an Exemption or other prohibition from disclosure under the PRA or other applicable law. The Public Records Officer shall provide prompt and helpful access to all Public Records that are not subject to an Exemption or other prohibition from disclosure. The Public Records Officer shall Withhold requested records, in whole in part, only to the extent consistent with the PRA. Withholding of records shall be documented for the Requestor in accordance with RCW 42.56.210.

The presence of information on a record subject to Exemption does not necessarily exempt the entire record from disclosure. If the Public Records Officer determines that any portion of a record is subject to an Exemption, and if those exempt portions of Public Records can be redacted, the remainder thereof will be open to public inspection and copying and will be provided to the Requestor. For example, by way of illustration only, a copy of the record may be provided for inspection in which the exempt information has been blacked out.

Below is a list of common Exemptions that might apply under this Policy. The HCP reserves the right to assert any Exemption permitted by law when it is determined that nondisclosure serves the public interest.

- a. Personal information that is exempt from disclosure under RCW 42.56.230, including personal information in files maintained for employees, or that might be found on mailing lists or rosters, to the extent that disclosure would violate their right to privacy, including but not limited to addresses, phone numbers, social security numbers, credit card or debit card numbers, voluntary deductions, marriage status, number of dependents, and any garnishment deductions.

- b. Employment and licensing information that is exempt from disclosure under RCW 42.56.250, including applications for employment, applicant names, resumes, and other related materials submitted with respect to an applicant.
- c. Financial, commercial, and proprietary information that is exempt from disclosure under RCW 42.56.270, including valuable formulae, designs, drawings, computer source code or object code, and research data obtained within five (5) years of a request for disclosure when disclosure would produce private gain and public loss.
- d. Preliminary drafts, notes, recommendations, and internal memoranda in which opinions are expressed or policies formulated or recommended that are exempt from disclosure pursuant to RCW 42.56.280.
- e. Records created in anticipation of litigation that are exempt from disclosure pursuant to RCW 42.56.290.
- f. Health care information exempt from disclosure under RCW 42.56.360 or any medical records that must be protected under federal or state privacy and security requirements.
- g. Funding or liability reserve information that is exempt from disclosure pursuant to RCW 48.62.101.
- h. Records reflecting communications between legal counsel and an HCP Party where legal advice is sought or received on behalf of the HCP that constitute privileged communications under RCW 5.60.060(2). Before releasing any such record, the Public Records Officer shall consult with legal counsel to the AWC Trust to determine if the record is in fact privileged or otherwise exempt from disclosure.
- i. Any record which is subject to Exemption under other applicable state or federal law.

## **2. Exemption Logs**

When records are Withheld, in whole or in part, the Public Records Officer will inform the Requestor of such in writing, including citation to the authority for the Exemption and a brief explanation of how the Exemption applies. For Withheld records, the Public Records Officer will also provide identifying information for each Withheld record including the type of record, the date the record was created, the author, and recipients, if any. However, if disclosure of the foregoing information reveals content that is subject to Exemption, the Public Records Officer may designate the exempt records by other means, such as with a numbered sequence.

## **3. Legal Counsel**

The Public Records Officer may seek advice from legal counsel to the AWC Trust regarding whether an Exemption applies to a record subject to this Policy.

## **F. Cost of Providing Public Records**

No fee will be charged for the physical inspection of public records. The Requestor may be charged the following fees as applicable by RCW 42.56.120 when requesting copies of paper, or of electronic records when provided electronically or requested during public inspection. A summary of the charges for copies is available from the Public Records Officer upon request.

### **1. No Charge for De Minimis Copies, Scans, and Electronic Files**

The Public Records Officer will provide the following free of charge: copies of up to ten (10) pages in black and white; scans of up to ten (10) pages of paper into electronic format; uploads of up to eighty (80) files to cloud-based data storage service or other means of electronic delivery; and transmission of up to ten (10) gigabytes of data. If copying, scanning,

uploading, or transmitting of records exceeds the foregoing limits, the Requestor must pay for all pages copied, scanned, uploaded or transmitted as outlined below.

**2. Fee Schedule**

As provided in the Declaration to Provide Statutory Default Fee Schedule, a copy of which is attached as an appendix hereto, the HCP Board adopts the following default fee schedule per RCW 42.56.120(2)(d).

<b>Fee Schedule for Records – Public Records Request Policy for the Health Care Program</b>	
<b>Inspection of records</b>	
No fee	Inspection scheduled at the AWC Trust offices.
No fee	Access or download of records routinely posted on AWC Trust website.
<b>Copies</b>	
15 cents per page	Photocopies, printed copies of electronic records when requested by the Requestor, or use of AWC Trust equipment to make photocopies.
10 cents per page	Scanned records, or use of AWC Trust equipment for scanning.
05 cents for each 4 electronic files or attachment	Records upload to cloud-based data storage service, or other means of electronic delivery.
10 cents per gigabyte	Records transmittal in electronic format, or use of AWC Trust equipment to send records electronically.
Actual cost	Digital storage media or devices: <ul style="list-style-type: none"> <li>• CD</li> <li>• DVD</li> <li>• Thumb drive</li> <li>• Other</li> </ul>
Actual cost	Postage or delivery charges. Specific amount based upon postage/delivery charges for specific mailings or deliveries.
Variable costs	Records for which other costs are authorized pursuant to specific fee statutes.
<i>Fees above may be combined to the extent more than one type of fee applies to responsive records</i>	
<b>Customized service</b>	
Actual cost	Data compilations prepared or accessed as a customized service (cost in addition to above fees for copies)

### **3. Customized Service Charge**

If a request requires use of information technology expertise to prepare data compilations or provide customized electronic access services to respond to a request, when such services are not otherwise used by the HCP, the Public Records Officer will impose a customized service charge for the actual costs of providing the service. The Public Records Officer will notify the Requestor and provide an estimate of the charges in advance.

### **4. Third Party Vendors**

To the extent that copies must be produced by a third-party vendor, the Public Records Officer will impose a charge for the actual cost of such third-party production, including taxes.

### **5. Other Costs**

Requestors shall be charged for postage and shipping costs, including the cost of any containers used in shipping, unless the Public Records Officer elects to waive such fees (e.g., when the expense of billing exceeds the cost of copying and postage).

### **6. Deposits and Payments**

The Public Records Officer may charge the Requestor a deposit of up to ten (10) percent of the estimated costs of the entire request before beginning to produce the records. The Public Records Officer will also require payment of the remainder of the associated costs before providing the records. When records are being produced on an installment basis, the Public Records Officer may charge for each installment. The decision by the Public Records Officer in any one instance to not request a deposit will not serve to waive the HCP's right to request a deposit for a future request. If the deposit or fees are not paid within thirty (30) calendar days of notification of deposit or notification that records are available, or if the Requestor has not contacted the Public Records Request within this thirty-day period to arrange a date to claim and pay for the installment, the Public Records Officer is not obligated to fulfill the balance of the records request and will consider the request abandoned.

## **G. Physical Inspection of Public Records**

### **1. Inspection of Records**

Upon request and considering staff availability and other demands, the Public Records Officer will schedule and confirm an appointment for inspection of public records with the Requestor when records are available. During that appointment time, the Public Records Officer will provide space to the Requestor to inspect the Public Records. Appointments for inspection will be made in advance and will occur during regular office hours. The Requestor must claim or review the assembled records or otherwise make arrangements with the Public Records Officer within thirty (30) calendar days of the notification that records are available for inspection.

During inspection, the Requestor can set aside or flag records that they wish to have copied. The Public Records Officer will notify the Requestor of the associated fees (if any) and of the anticipated date that copies will be available.

### **2. Protection of Records**

The Public Records Officer shall adhere to the following practices to protect HCP records maintained by the AWC Trust from damage or disorganization as required by the PRA:

- a.** No record shall be removed from AWC Trust offices without permission of the Chair.

- b. Inspection of records shall be conducted in the presence of the Public Records Officer or their designee.
- c. No record may be marked, defaced, torn, damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public.
- d. Records maintained in a file jacket or binder, or in chronological order, may not be dismantled except for the purpose of copying, and then only by the Public Records Officer or their designee.
- e. Records may be copied only on the copying machines at AWC Trust offices, unless other arrangements are made by the Public Records Officer.
- f. Electronic records may be copied only by the Public Records Officer or their designee, using external storage media provided by the HCP, unless other arrangements are made by the Public Records Officer.

### **3. Loss of Right to Inspect**

Inspection shall be denied, and the records withdrawn, by the Public Records Officer if the Requestor, when reviewing the records, acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of the HCP.

## **H. Administrative Review of Denial**

A Requestor may ask for review of a decision to Withhold records by submitting a written petition for review to the Public Records Officer that includes a copy of the records request; the exemption log or detailed description of the Public Records Officer's statement of Withholding; and identification of the decision or part of the decision being challenged.

The request for review and any relevant information shall be forwarded immediately to the Chair. The Chair will consider the request and either reverse or affirm the Withholding decision within two (2) business days following their receipt of the request, or within such other time as mutually agreed with the Requestor. If the Withholding decision is affirmed, the decision shall be considered the HCP's final action for review. If the Withholding decision is reversed, the Public Records Officer shall proceed to make the subject records available to the Requestor for inspection in accordance with the provisions of this Policy.

## **I. Preservation of Records**

HCP records are the property of the AWC Trust. Consistent with Article VI, section 10 of the Trust Agreement, the Public Records Officer will manage, retain, and dispose of all HCP records as directed in the AWC Trust Document Retention/Destruction Policy. Nothing in this Policy prevents the disposal of HCP records in accordance with the Document Retention/Destruction Policy. If a record request is made at a time when such a record exists but is scheduled for disposal in the near future, the Public Records Officer shall make reasonable efforts to retain possession of such record and to avoid its disposal until the request has been completed.

## **J. Index of Public Records**

The Public Records Officer will make available for public disclosure the AWC Trust Document Retention/Destruction Policy as the index of public records.

## **K. Disclaimer of Liability**

Neither the HCP, Public Records Officer, nor any other HCP Party shall be liable, nor shall a cause of action exist, for any loss or damage based upon release of a record if the individual releasing the record acted in good faith in attempting to comply with this Policy.

This Policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under federal and state law. Despite the use of any mandatory terms such as “shall,” nothing in this Policy is intended to impose mandatory duties on the HCP or its Public Records Officer beyond those imposed by federal and state law.

- L. The Public Records Officer shall periodically review this Policy with the Chair and legal counsel to the AWC Trust to ensure that the Policy complies with applicable law.


Adopted by the Association of Washinton Cities Employee Benefit Trust Health Care Program Board of Trustees on **December 10, 2024**

Signed by:



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Paul Schmidt, Chair

Signed by:



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Josh Penner, Vice Chair

**ASSOCIATION OF WASHINGTON CITIES EMPLOYEE BENEFIT TRUST  
HEALTH CARE PROGRAM**

**APPENDIX TO THE PUBLIC RECORDS REQUEST POLICY**

**Declaration to Provide Statutory Default Fee Schedule**

The HCP Board has determined that it will not charge the actual costs for providing public records because calculating actual costs would be unduly burdensome for the following reasons:

1. The HCP does not have the resources to conduct a study to determine actual copying costs for all HCP records; and
2. To conduct such a study would interfere with other essential functions of the HCP; and
3. Through the legislative process, the public and requestors have commented on and been informed of authorized fees and costs provided in the Public Records Act, including RCW 42.56.120, and other laws.

Therefore, to implement a fee schedule consistent with the Public Records Act, it is more cost efficient, expeditious and in the public interest for the HCP Board to adopt the state legislature's approved fees and costs for most of the HCP's records, as authorized in RCW 42.56.120 and as published in the Public Records Request Policy for the Health Care Program.