

Port Directors:

It appears that many, if not all, local governments in Washington have received the email below from an outfit in Florida. Several of you have contacted me to ask about this request. I have the following advice:

1. The information being asked for is legally disclosable under the Public Records Act. However, the PRA does not require you to create a new record (by re-formatting, or creating a new spreadsheet, for example) . You may decide that the easiest way to respond is to create a new record, but you do not need to.
2. The first step is to respond to the requestor within five days, telling them that you have received their request. At that time you have three additional options: 1) Provide the requested record with the acknowledgment, 2) Indicate approximately how long it will take for you to provide the records, or 3) clarify the request.
3. If these records are not electronic, you can choose to scan them into a .pdf document and let the requestor sort through them. **You can charge the requestor for the costs of scanning.** If you do not have a scanning fee already adopted, you can ask a local vendor what they would charge to scan the documents, and use that amount as the basis for your fee. If there is more than one vendor, two or three quotes would be a good practice. You should document this amount. This is allowed under the state's Model Rules for the PRA. You can find these rules in WAC 44.14. Section 07003 of those rules explains very clearly how to do this.
4. If you charge to scan the documents, you may invoice the requestor for a deposit of ten percent of the payment before you scan the records. Once the scanning is complete, *you may request full payment for the remaining costs prior to providing the records.* This authority is found in WAC 44.14.07006.

I hope this is useful to you. Contact me if you have questions. The link to the WAC noted above is <http://app.leg.wa.gov/wac/default.aspx?cite=44-14>

Also, if you choose to charge for scanning, it would be a good practice to adopt that policy at a port commission meeting, if you have not already.

Records Access Officer:

Pursuant to the Public Records Act, this is a request for a copy of the following records: An electronic copy of any and all employees for years of 2016, (fiscal or calendar year). Each employee record should contain the employer name, employer zip code, year of compensation, first name, middle initial, last name, hire date (mm-dd-yyyy), base salary amount, bonus amount, overtime amount, gross annual wages and position title. This data should be broken down by employer, employee and year.

The principal purpose of this is to make this information more accessible to the public and to access and disseminate information regarding the health, safety, and welfare of the general public. This request is not principally for personal or commercial benefit. Our agency is just exercising the general rights of the public. For these reasons, we are requesting a waiver of fees. If there is a charge for this service, please obtain my approval in writing prior to proceeding with request.

All documents can be e-mailed to [washington@openthebooks.com](mailto:washington@openthebooks.com) or mailed in electronic format (preferred format would be .csv or .xls). If any documents are not provided in the format specified, please provide the state or federal statutes relied upon for that decision. If any record or portion of a record responsive to this request is contained in a record or portion of a record deemed unresponsive to the request, I would like to inspect the entire document.

Under the Open Records Act/Freedom of Information Act, all non-exempt portions of any partially-exempt documents must be disclosed. If any records or portions of records are withheld, please state the exemption on which you rely, the basis on which the exemption is invoked, and the name of the individual responsible for the decision.

Thank you for your prompt consideration of my request. If you have any questions, or if I can be of any assistance, please e-mail me at [washington@openthebooks.com](mailto:washington@openthebooks.com)

Sincerely,

Nicole Mijares  
American Transparency  
P.O. Box 970999  
Boca Raton, FL 33497-0999

**Eric D. Johnson / Executive Director**  
Washington Public Ports Association  
[360.943-0760](tel:360.943.0760) / [ericj@washingtonports.org](mailto:ericj@washingtonports.org)