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DESCRIPTION OF CHANGES

Justification (required for major revision)
The Public Records Act, Chapter 42.56 RCW, governing the subject of this PSM 1.11, was amended by the Washington State Legislature effective July 23, 2017 necessitating major revisions herein.

Page(s)	Description (including summary, reason, initiating document, if applicable)
3-4	Sections 3.4, 3.6, and 3.7 revised in regards to methods of accessing public records.
5	Section 5.1.4 added terms to address "bot requests."
6	Section 5.3.1 revised as to clarification of public records requests.
9	Section 8 – Fees updated.
10	Entire Section 9.5 added in regards to duplicate copies of records.
12	Deletion of RCW 42.41.030(7) as an exemption as not applicable to operating systems like Energy Northwest.
13	Attachment 14.2 – Fee Schedule updated.

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1.0 PURPOSE

In compliance with the Washington State Public Records Act (PRA), Chapter 42.56 RCW, this Policy serves to establish the processes Energy Northwest (EN) will follow to provide the public with full access to identifiable, non-exempt public records in the interests of promoting transparency between EN and the public. This Policy will accomplish access and transparency through the process set forth below outlining how requestors may submit records requests and how EN will promptly process those requests. The purpose of this Policy is to provide the fullest assistance to requestors, to not distinguish among requestors, to be mindful of persons' rights to privacy, and to efficiently accomplish access to public records in a way that prevents excessive interference and disruption to the essential functions and operations of EN.

2.0 PUBLIC RECORDS OFFICER

EN's Public Records Officer is Dean Kovacs. The EN Public Records Officer serves as the point of contact for all members of the public regarding public records requests. Dean Kovacs can be reached as follows:

Dean Kovacs, Public Records Officer
Energy Northwest
P.O. Box 968, MD 1032
Richland, Washington 99352-0968
(509) 377-2090
dmkovacs@energy-northwest.com

In the absence of the Public Records Officer her/his designee will serve in such capacity through the same contact information.

3.0 HOW TO ACCESS PUBLIC RECORDS

The requestor has the simple option of accessing public records through copies or inspection via one of the required methods below:

- 3.1 Instant records search on EN website www.energy-northwest.com. A variety of records are posted and available for instant access by the public on the website. Requestors are encouraged to view records available on the website prior to submitting a records request.
- 3.2 Via email at PublicRecordsRequest@energy-northwest.com.
- 3.3 Via mail to the attention of the Public Records Officer at Energy Northwest, P.O. Box 968, PE 13, Richland, Washington 99352-0968.
- 3.4 Submittal of the EN Public Records Request Form (located online at www.energy-northwest.com/Pages/Contact-Us.aspx) as provided in Subsection 3.2 or 3.3 above.
- 3.5 Verbally ONLY by contacting the EN Public Records Act hotline at (509)372-5248.

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3.6 Via fax to (509)372-5330. EN recommends use of the EN Public Records Request Form referenced under Subsection 3.4.

3.7 In-person to EN inside the building located at 3000 George Washington Way, Richland, Washington.

4.0 NECESSARY INFORMATION TO PROCESS A RECORDS REQUEST

At a minimum, a requestor should provide EN with reasonable notice that he/she is making a records request by clearly and plainly noting such in a written request, or by communicating such, with the following information included:

4.1 Name; and

4.2 Some type of contact information (i.e. mailing address, email address, telephone number, etc.); and

4.3 Specific description of the requested records adequate for EN to identify the records; and

4.4 Date of request; and

4.5 What form of record does the requestor want access to if such exists (i.e. electronic copy, paper copy, inspection, etc.).

5.0 THE INTAKE OF RECORDS REQUESTS

Upon receipt of a public records request EN will perform the following:

5.1 Promptly Respond

EN will issue a written response within five (5) business days. The written response must acknowledge receipt of the request and either:

5.1.1 Provide the requested record(s); or

5.1.2 Provide a reasonable estimate of time that EN will require to further respond to the request; or

5.1.3 Request clarification if the request is unclear or does not sufficiently identify the requested records; or

<p>NOTE: All requests for clarification must be responded to by the requestor to facilitate further processing of the unclear portion of the request. In the event of verbal clarifications between EN and the requestor, EN will document the clarification in writing and obtain substantial agreement from the requestor as to such prior to processing the request.</p>
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5.1.4 Deny the request, in whole or in part, based on no identifiable record(s) being located, or by identifying the record(s) and law that exempts the record(s) from release, or if EN determines it to have been automatically generated by a computer program or script known as a “bot request” that would cause excessive interference to essential functions of EN. All denials of requests for public records, excluding “bot requests,” will be accompanied by a written statement specifying the reason(s) for the denial, including a statement of the specific exemption(s) authorizing the withholding of the record and a brief explanation of how the exemption(s) applies to the record withheld. For denials of a “bot request” EN will provide reason for denial via a written statement specifying why it was deemed a “bot request” and of excessive interference to essential functions of EN.

5.2 Respond as Follows

During the estimated time for further response EN will:

- 5.2.1 Interpret the request. If unclear, seek clarification from the requestor as provided under Subsection 5.1.3. In interpreting a request if a requestor fails to specify the type of record(s) being sought (i.e. current, prior, drafts, all, etc.) then EN will interpret the request as seeking only the official record(s) unless otherwise notified by the requestor.
- 5.2.2 Once the request has been interpreted and clarification received, if necessary, perform an objectively reasonable search to locate responsive records existing as of the date the request was received.
- 5.2.3 Preserve all responsive records from destruction while the request is pending.
- 5.2.4 Assemble all responsive records for review.
- 5.2.5 Notify the requestor in writing of any fees that may be associated with the copying of the responsive records.
- 5.2.6 Review all responsive records to determine whether any information in the records requested is exempt from disclosure.
- 5.2.7 Notify third persons or agencies that may be affected by the request and provide such parties with a reasonable opportunity to seek a court order preventing or limiting disclosure of the records where appropriate.
- 5.2.8 Draft an exemption log if any records are subject to being withheld or redacted based on applicable law.

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5.3 Seek Additional Time to Respond If

Upon notification to the requestor in writing EN may obtain additional time to respond to the request beyond its estimate for any of the following reasons:

- 5.3.1 A need to clarify the intent of the request to which EN will also provide the requestor a reasonable estimate of time it will require to respond to the request if it is not clarified. If EN fails to receive a response to a clarification request it will only respond to the portions of the request that are clear; or
- 5.3.2 To locate and assemble the information requested; or
- 5.3.3 To notify third persons or agencies affected by the request and provide such parties with a reasonable opportunity to seek a court order preventing or limiting disclosure of the records where appropriate; or
- 5.3.4 To determine whether any of the information in the records requested is exempt and that a denial should be made as to all or part of the request.

5.4 Notify and/or Disseminate Records

When EN has either completed a search for records without locating any responsive records, or when the located and assembled records have been reviewed EN will notify the requestor as follows:

- 5.4.1 In writing to advise the records search revealed no responsive records; or
- 5.4.2 In writing to advise responsive records have been located, assembled, reviewed and are available for inspection by arranging an appointment through the Public Records Officer; or
- 5.4.3 In writing to advise responsive records have been located, assembled, reviewed and are available for release upon your payment of any applicable fees or that the records are enclosed free of charge in either full response to the records request or partial response in the form of an installment of responsive records. If any responsive records have been withheld or information redacted an exemption log will be enclosed explaining what type of information was exempt from disclosure and the legal basis of the exemption. For a non-exhaustive list of specific information and other records that are commonly exempt from disclosure see Attachment A, included herein.
 - a. In the course of disseminating responsive records to the requestor EN reserves the right to also disseminate records that may not be clearly responsive but could be reasonably interpreted as such.

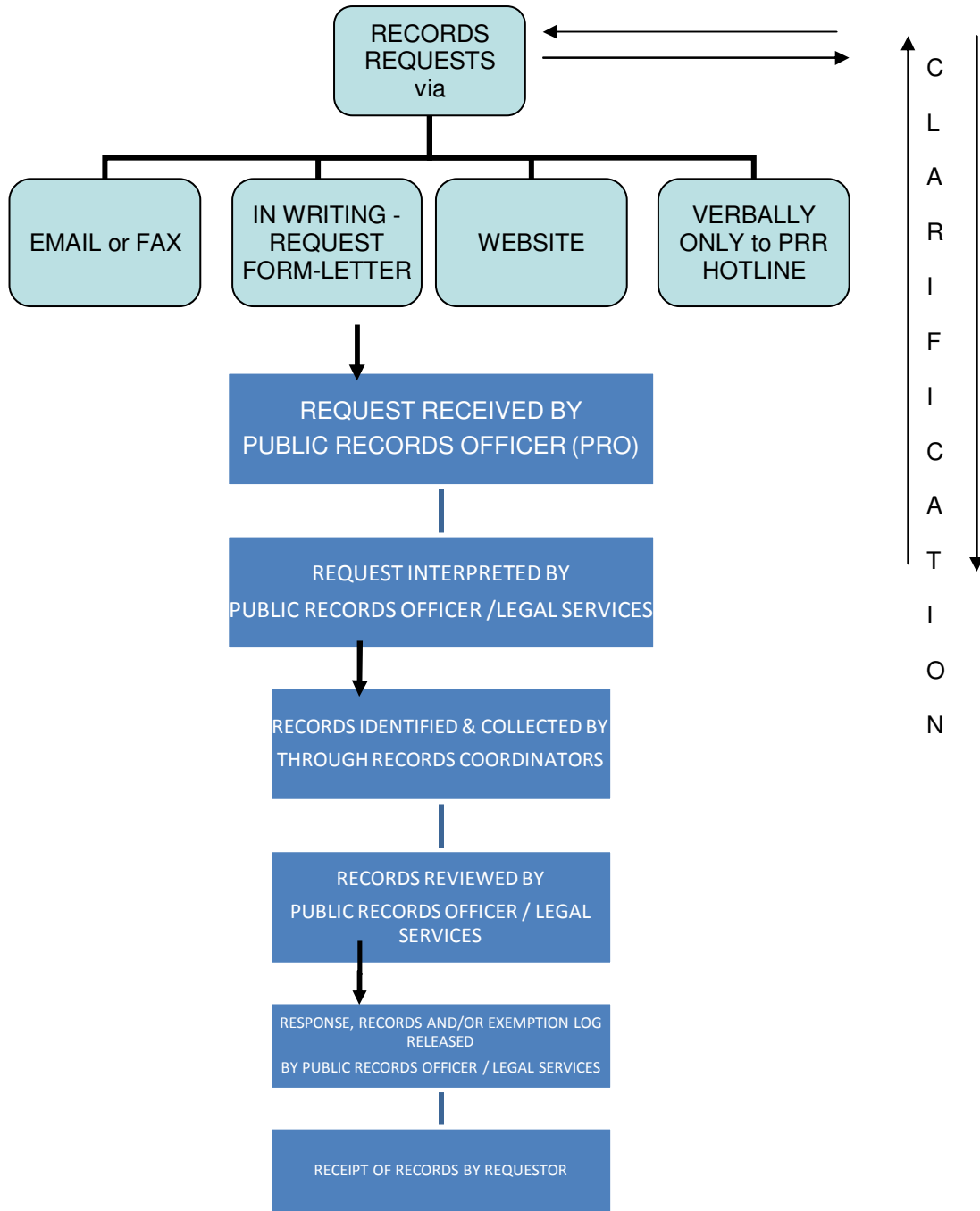
5.5 Process Efficiently

EN reserves the right to process all records requests in an order it deems most efficient.

6.0 STAGES OF PROCESSING A PUBLIC RECORDS REQUEST

The below diagram serves as an example to illustrate the stages by which a public records request may be processed through this Policy.

PROCESSING OF A RECORDS REQUEST



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7.0 CONSEQUENCES OF FAILING TO CLARIFY A REQUEST OR TO INSPECT RECORDS

If a requestor fails to respond to a request for clarification within thirty (30) calendar days EN may deem all unclear portions of the request abandoned and will in writing notify the requestor of such. If a requestor fails to respond to a notice to arrange an appointment to inspect records Energy Northwest may after thirty (30) calendar days' notice deem the request abandoned and will in writing notify the requestor of such.

8.0 FEES

EN may charge for the actual costs of each photocopied, printed, or scanned record including staff time for making paper copies or for scanning, and for postage and any shipping container or envelope. EN may charge for each set of four (4) electronic files or attachments uploaded to email, cloud-based data storage service, or other means of electronic delivery. EN may charge per gigabyte for the transmission of records in electronic format. To the extent more than one charge herein applies EN may combine such. EN will not charge for locating records (or making them available for inspection). EN may, at its sole discretion, waive fees for de minimus amounts of paper copies and electronic files. For the Fee Schedule see Attachment B, included herein.

8.1 Deposit or Payment of Fees Prior to Release of Records:

Prior to making paper or scanned copies of records EN may require a deposit of up to ten percent (10%) of the estimated copying or scanning costs. In addition, prior to the release of paper copies of records or copies converted to electronic format through scanning, EN may require from the requestor full payment for the remaining paper or scan copying costs.

8.2 Payment Form

Payment(s) must either be in the form of check, money order, or cashier's check in the name of "Energy Northwest" and directed to the Public Records Officer in Section 2.0 herein.

8.3 Consequences of Non-Payment

In the event EN fails to receive payment of fees within thirty (30) calendar days following notice to the requestor the request will be deemed abandoned and closed.

9.0 NOTICES

EN has no legal duty to perform the following in response to a records request:

- 9.1 To answer written questions or requests for information.
- 9.2 To create new public records in response to a public records request.
- 9.3 To provide records/information in a format that is different from its original format.
- 9.4 To supplement pending records requests with records newly created or anticipated to be created since receipt of the request.

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- 9.5 To provide duplicate copies of responsive records unless specifically asked for by the requestor.

However, in the interests of efficiency and practicality, and with the consent of the requestor, EN reserves the right to create a new record containing the responsive information to fulfill a request in instances where assembling and providing the same responsive information would occur through voluminous records and piecemeal information. EN reserves this right to the extent the responsive information is reasonably locatable and reasonably translatable from its original format.

10.0 NON-RESPONSE OR DENIAL OF RECORDS REQUEST

Any person who submits a records request to EN may in writing submit an appeal for review to EN's General Counsel in the event of the following:

- 10.1 An EN failure to acknowledge the records request within five (5) business days; or
- 10.2 An EN failure to respond to a records request within the estimated time period; or
- 10.3 An EN denial or partial denial of a records request.

Upon receipt of a written appeal for review the General Counsel or his/her designee shall within five (5) business days consider the appeal, verify the factual circumstances, then issue a written decision to the requestor to include a remedy to address the circumstances if necessary.

Written appeals should be mailed to the attention of the General Counsel at Energy Northwest, P.O. Box 968, MD PE13, Richland, Washington 99352-0968.

11.0 DEFINITIONS

All the definitions set forth in the Public Records Act, Chapter 42.56 RCW, as presently constituted or as may be subsequently amended, are hereby adopted by reference into this Policy as if fully set forth herein, including those specifically referenced below:

- 11.1 Public Record - includes 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 any state or local agency regardless of physical form or characteristics. For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW [40.14.100](#) and also means the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives.

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- 11.2 Writing - means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.
- 11.3 Identifiable Record - is a record in existence at the time the records request is made and that EN staff can locate after an objectively reasonable search.
- 11.4 Exempt Information - includes all EN records (and/or information within records) that are specifically exempted or prohibited from disclosure by applicable law. For a non-exhaustive list of specific information and other records that are commonly exempt from disclosure see Attachment A that is included herein.
- 11.5 Request for Information(s) - is a question that does not specifically request an identifiable record (i.e. a question that seeks an answer versus a record).
- 11.6 Official Record(s) - are completed documents that contain decisional opinions, recommendations, or actions adopted or carried out by EN.
- 11.7 Requestor - means the person that has made a public record request to EN. This definition excludes requests made by current EN employees for their own personnel records as provided by GBP-HR-13.
- 12.0 AGENCY REQUESTS
- In instances where EN receives records requests from other agencies or partnership/membership entities rather than from the “public”, EN reserves the right to process these requests informally outside the terms of this Policy but in accordance with applicable law.
- 13.0 DISCLAIMER OF LIABILITY
- Neither EN nor any officer, employee, official or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon release of public records if the person releasing the records acted in good faith in attempting to comply with this policy and the Public Records Act.
- This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Despite the use of any mandatory terms such as “shall” or “will”, nothing in this policy is intended to impose mandatory duties on EN beyond those imposed by state and federal law.
- 14.0 ATTACHMENTS
- 14.1 Examples of Records/Information Exempt from Release
- 14.2 Fee Schedule

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EXAMPLES OF RECORDS/INFORMATION EXEMPT FROM RELEASE

Types of Records/Information	Law
-Privileged Communications	RCW 5.60.060
-Court-ordered Mediation records	RCW 5.60.070
-Financial institution records	RCW 9A.82.170
-Conviction and criminal history information	RCW 10.97.050
-Private digital signature keys	RCW 19.34.240(3)
-Certain personal information the disclosure of which would violate personal privacy or government interests	RCW 42.56.210(1)
-Personal information in files maintained for employees, appointees, or elected officials of a public agency the disclosure of which would violate their right to privacy	RCW 42.56.230(3)
-Credit and debit card numbers, financial account numbers, electronic check numbers, card expiration dates	RCW 42.56.230(5)
-Test questions, scoring keys, and other examination data used to administer a license, employment or academic exam	RCW 42.56.250(1)
-Applications for public employment	RCW 42.56.250(2)
-Personal contact information and social security numbers of public employees, volunteers, and their dependents as set forth in the Public Records Act.	RCW 42.56.250(3)
-Current investigative records of possible unfair employment practices	RCW 42.56.250(5)
-Real estate appraisals	RCW 42.56.260
-Financial, commercial, and proprietary information	RCW 42.56.270
-Preliminary drafts, notes, recommendations, intra-agency memos	RCW 42.56.280
-Records relevant to a controversy to which an agency is a party	RCW 42.56.290
-Security records/information as set forth in the RCW	RCW 42.56.420
-Traffic accident reports – confidentiality	RCW 46.52.080
-Abstract of driving records	RCW 46.52.130(2)
-Worker’s compensation records	RCW 51.28.070
-Medical records/health care information	RCW 70.02
-Other federal and state law exemptions not specifically set forth herein.	

END

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FEE SCHEDULE

Paper Copies of Records	
Size	Fee
8.5 x 11 b&w	\$0.15 per printed page.
8.5 x 14 b&w	\$0.15 per printed page.
Color Copies	Varied actual cost depending on size.
Large Format Documents	Varied actual cost. May require vendor processing and subject to vendor rates.
Scanning of Paper Copies to Electronic Format	
Size	Fee
8.5 x 11	\$0.10 per page.
8.5 x 14	\$0.10 per page.
Larger Format Documents	Varied actual cost. May require vendor processing and subject to vendor rates.
Electronic Copies of Records	
Type	Fee
Each set of 4 electronic files or attachments uploaded to an email, cloud-based data storage service, or other means of electronic delivery.	\$0.05 per set
Per gigabyte (GB) for the transmission of records in electronic format.	\$0.10 per GB
Copies of Records in Media Formats	
Type	Fee
CD, DVD, or other storage device	actual cost per disc or device
Flat Fee	
0A one-time per records request flat fee of up to \$2.00 may be charged as an alternative to the above fees if such are equal to or above such amount.	

END

Reference: GBP-PRO-03

**ENERGY NORTHWEST
MAJOR REVISION
REVIEWS AND APPROVALS**

General Information

Procedure Number PSM-1.11 _____

Cancellation/Supersede: None _____ Superseded by: N/A

Justification for Cancellation/Supersede: N/A _____

EC Number (for incorporation purposes). _____

Originator Verhulp, Ryan E. _____

Identify other procedure, instruction, manual, or form revisions to be issued in parallel (attach additional sheet if more space is needed).

Document Number	Revision	Document Number	Revision	Document Number	Revision

Impact Considerations

Consider the following Impacts when revising the procedure and contact appropriate departments

- Change Management Required?
- Other Documents impacted – notify sponsors?
- Emergency Preparedness Impacts?
- Safety Impacts?
- Environmental Impacts?
- Commitment Changes?

Reference: GBP-PRO-03

**ENERGY NORTHWEST
MAJOR REVISION
REVIEWS AND APPROVALS**

General Information

Procedure Number PSM-1.11

Cross Discipline Reviews

If any manual approvals (hard copy signatures) are obtained then included printed name, signature, and date.

Reviewer(s)

Reviewer(s)

15/02/18 10:55:48 -08:00

X

CDReview1

25/01/18 15:25:32 -08:00

X

Absolon, Sabrina M. , Legal Assistan..

cosign

X

CDReview5

X

CDReview7

X

CDReview9

X

RAINS, ANGEL D. , Asst. Gen. Coun..

cosign

X

CDReview4

X

CDReview6

X

CDReview8

X

CDReview10

Cross Discipline Reviews

X

CDReview11

X

CDReview12

X

CDReview13

X

CDReview14

X

CDReview15

X

CDReview16

X

CDReview17

X

CDReview18

X

CDReview19

X

CDReview20

Reference: GBP-PRO-03

ENERGY NORTHWEST MAJOR REVISION REVIEWS AND APPROVALS

General Information

Procedure Number PSM-1.11

Final Review and Approvals

If any manual approvals (hard copy signatures) are obtained then include printed name, signature, and date.

Fire Protection for Fire Protection Element Related Changes {R-7107}

X

Fire Protection

Sponsor (As Identified in Asset Suite)

15/02/18 11:39:19 -08:00

X



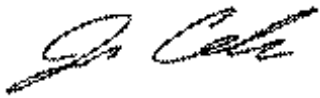
Verhulp, Ryan E. , Senior Counsel

cosign

Responsible Approving Manager/Supervisor (Approving Authority)

20/02/18 13:54:51 -08:00

X



X

Cohen, Jon , Manager

cosign

Chief Executive Officer (for PSMs and ISPMs)

22/02/18 12:58:52 -08:00

X



Reddemann, Mark E. , CEO

cosign