

SPOKANE COUNTY SUPERIOR COURT

ACCESS TO ADMINISTRATIVE RECORDS

(1) PURPOSE:

Access to Administrative Records:

Consistent with the principles of open administration of justice as provided in [article I, section 10](#) of the Washington State Constitution and General Rule (GR) 31.1, it is the policy of the Spokane County Superior Court to facilitate access to administrative records, which have been created or are being maintained by the court on and after the effective date of GR 31.1.

The purpose of the General Rule GR31.1 is to provide the public with a regulatory mechanism for access to the records that relate to the management, supervision, or administration of a judicial entity, in this instance, Spokane Superior Court.

Policy and Procedure:

The information contained in this Policy is designed to aid both those requesting public administrative records and those responding to records requests. The policy and procedures should assist in guiding expectations of Requestors and providing notice of an instrument by which to appeal a records decision, if necessary.

REFERENCE:

- Chapter [42.56 RCW](#), Public Records Act
- GR 22, Access to Family Law and Guardianship Court Records
- GR 31, Access to Court Records
- GR 31.1, Access to Administrative Records

(2) ORGANIZATIONS AFFECTED:

Spokane Superior Court, including Court Administration, but not including the Juvenile Services Department (Detention and Probation Services) of Superior Court.

(3) POLICY:

Spokane County Superior Court shall provide for inspection and copying of requested public administrative records as provided in this policy and procedure. This shall be done in accordance with both the letter and the spirit of the General Rule 31.1, Access to Administrative Records (eff. 1/1/2016) and case law related to the disclosure of administrative judicial records. Spokane Superior Court's application of GR 31.1 shall be prospective only, consistent with the rule. Spokane Superior Court staff shall provide requested administrative records to the extent practicable.

(4) RESPONSIBILITY/AUTHORITY:

Public Records Officer:

The Superior Court Administrator is the designated Public Records Officer (PRO) for the Spokane Superior Court Administration and will oversee Superior Court compliance with the General Rule “Access to Administrative Records” (GR 31.1) and these procedures.

Any person wishing to request access to administrative records of Spokane Superior Court, or seeks assistance in making such a request should contact the Public Records Officer for Superior Court Administration:

Public Records Officer
Spokane Superior Court Administrator
1116 West Broadway Ave.
Spokane, Washington 99260
Phone Number: (509) 477-4400
Facsimile: (509) 477-5714

Information is also available at Spokane Superior Court’s website at: <http://www.spokanecounty.org/1140/Superior-Court>

The PRO will oversee compliance with the General and Local Rules however other court staff may process the request. Therefore, these policies will refer to the public records officer or “designee”. The public records officer or designee and Spokane Superior Court will provide the “fullest assistance” to requestors; ensure public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of Superior Court.

(5) AVAILABILITY OF ADMINISTRATIVE RECORDS

(a) Hours for inspection of records. Court administrative records are available for inspection and copying during normal business hours of Superior Court, Monday through Friday, 8:30 a.m. to 5:00 p.m., excluding legal holidays, or during exigent circumstances.

(b) Retention Schedule. Superior Court has adopted a retention schedule for administrative records. Administrative records which have been scheduled for destruction or which have been destroyed or deleted in accordance with the retention schedule will not be available for disclosure.

(c) Organization of records. Superior Court will maintain its records in a reasonably organized manner. Superior Court will take reasonable actions to protect records from damage and disorganization. A requestor shall not take court administrative records from any office without the permission of the public records officer or designee. Some records may be available on the Superior Court website. Requestors are encouraged to view the documents available on the website prior to submitting a records request.

(d) Making a request for administrative records.

- (i) Any person wishing to inspect or copy administrative records of Spokane Superior Court should make the request in writing on the Superior Court's request form (attached and on our website) or by letter or fax, addressed to the public records officer and including the following information. A copy of Superior Court Request Form is attached here as Appendix 1.
- Name of requestor;
 - Address of requestor;
 - Other contact information, including telephone number and any e-mail address;
 - Identification of the administrative records adequate for the public records officer or designee to locate the records; and
 - The date and time of day of the request.
- (ii) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records, or a deposit. Photocopy charges or other charges described in this policy may be assessed and due at the time of receipt of the records. In the event the costs are deemed significant by the public records officer or designee, said officer may require a deposit prior to fulfilling the request.
- (iii) A form is available for use by requestors at the office of the public records officer and online at <http://www.spokanecounty.org/1140/Superior-Court>.

(6) PROCESSING OF ADMINISTRATIVE RECORDS REQUESTS- General.

(a) Implementation of GR 31.1. Spokane Superior Court is required by General Rule 31.1 to adopt local policies and procedures to implement the provisions of GR 31.1.

(b) Acknowledging receipt of request. Within five (5) business days of receipt of the request, the public records officer will do one or more of the following:

- (i) Make the records available for inspection or copying;
- (ii) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
- (iii) Provide a reasonable estimate of when records will be available; or
- (iv) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee may revise the estimate of when records will be available; or
- (v) Deny the request.

(c) Consequences of failure to respond. If Superior Court does not respond in writing within five (5) business days of receipt of the request for disclosure, the requestor

should consider contacting the public records officer to determine the reason for the failure to respond.

(d) Protecting rights of others. In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(e) Records exempt from disclosure. Some records are exempt from disclosure, in whole or in part. If Superior Court believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the non-exempt portions, and indicate to the requestor why portions of the record are being redacted.

(f) Inspection of records.

(i) Consistent with other demands, Superior Court shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy.

(ii) The requestor must claim or review the assembled records within thirty (30) days of notification to him/her that the records are available for inspection or copying. Superior Court will notify the requestor in writing of this requirement and inform the requestor that he/she should contact the appropriate Superior Court PRO to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty (30) day period or make other arrangements, Superior Court may close the request and re-file the assembled records. Other administrative records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(g) Providing copies of records. After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

(h) Providing records in installments. When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty (30) days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(i) **Completion of inspection.** When the inspection of the requested records is complete, and all requested copies have been provided, the public records officer or designee will indicate that Superior Court has completed a diligent search for the requested records and made any located non-exempt records available for inspection.

(j) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that the request is closed.

(k) **Later discovered documents.** If, after Superior Court has informed the requestor that it has provided all available records, Superior Court becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

(l) **Extraordinary Requests.**

If the request cannot be fulfilled within a reasonable time due to agency or court constraints, the office of the Public Records Officer will communicate this information and attempt to reach an agreement with the requestor for a more manageable scope and time frame.

(m) **Harassment, Intimidation, Threats to Security, or Criminal Activity:**

The Court has the right to issue an injunction if the court finds that the request was intended to do harm to court staff, employees, or any other person, or when fulfilling the request may assist criminal activity. The court may also enjoin any future requests by the same requestor or entities controlled in whole or part by the requestor.

(7) **EXEMPTIONS.**

(a) General Rule 31.1 and other court rules/statutes provide that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any “other statute” exempts or prohibits disclosure. Requestors should be aware of those exemptions, outside GR 31.1, that restrict the availability of some documents held by Superior Court for inspection and copying.

(b) Superior Court is prohibited by General Rule and statute from disclosing list of individuals for commercial purposes.

(8) **COSTS OF PROVIDING COPIES OF COURT ADMINISTRATIVE RECORDS**

(a) A fee may not be charged to view administrative records. Copies of records will be made available at the following rates:

FEE SCHEDULE

8 ½” x 11” or 8 ½” x 14” paper

\$0.15 per page

Materials scanned in and delivered electronically	\$0.10 per page
Electronic Records delivered electronically	\$0.05 per file or attachment
CD Mailer – 6” x 9”	Actual Cost
Cassette Tape – Micro/Standard	Actual Cost
CD & Envelope/Cover	Actual Cost
Oversized Copies	\$1.00 per page
Postage	Actual Cost

(b) For records requests that require over one hour to process, the fee for research and preparation is \$30.00 per hour, billed in ten (10) minute increments. The fee shall be assessed from the second hour onward. Assessed fees will not exceed the actual costs of processing.

(c) For all requests that have associated costs, payment is due prior to the release of the records. If payment is not received within 30 days from the notification by the public records officer, the request will be closed.

(9) REVIEW OF DENIALS OF PUBLIC RECORDS

Petition for internal administrative review of denial of access.

A requester who objects to the initial denial or partial denial of a records request may submit a review of public records decision form in writing within ninety (90) calendar days after an initial rejection. The request for review must be submitted to Superior Court’s Public Records Officer and a copy to the presiding judge. The review proceeding is informal and brief and the review proceeding shall be held within five (5) working days. If that is not reasonably possible, then within five (5) working days the review shall be scheduled for the earliest practical date.

(a) Judicial review.

If a requester is not content with the internal review decisions, the requestor may seek administrative review by a Superior Court Judge from a Superior Court other than Spokane Superior Court, from a list of judges compiled and available in the Superior Court Public Records Office. A request for external review must be submitted within thirty (30) calendar days of the issuance of the court or judicial agency’s final decision.