

RECORD REQUEST PROCEDURES

TO: KPB Directors, Supervisors, Fire & Emergency Service
Areas and Department Record Custodians

EFFECTIVE DATE: January 24, 2019

NEXT REVIEW DATE: April 2020

REVIEWED BY: Colette Thompson, Borough Attorney
Ben Hanson, IT Director
Johni Blankenship, Borough Clerk
Michele Turner, Deputy Clerk/Records Manager

1. Introduction

KPB Chapter 2.54 and Alaska Statute Sections 40.25.110 – 40.25.295, referred to as the Alaska Public Records Act, gives members of the public the right to inspect and obtain copies of records that are not otherwise exempt from public disclosure.

2. Purpose

The purpose of this document is to establish an orderly and consistent procedure for prompt disclosure of records to the public we serve.

3. Records Retention

Records will be organized and maintained in a manner that makes them readily accessible and available for public inspection. Departments shall follow the current *Record Retention Schedule* which shall be updated quarterly to ensure all records kept and preserved by the Borough are adequately described, reflect current business practices and comply with Borough code, state and federal law. *KPB 2.52.030(F)*

The Records Manager shall provide a method for retrieval, duplication and distribution of records stored within the Record Manager's custody, unless they are deemed exempt from disclosure. *KPB 2.52.030(L)*

4. Definitions

The following definitions apply specifically for the purposes of these procedures.

- 4.1 "Public Record" includes any writing either produced or received, regardless of physical form or characteristics, that contains information relating to Borough business and daily operations. Records that are exempt from public disclosure are defined in *KPB 2.54.040*
- 4.2 "Disposition" is the action taken when records are no longer required to be retained by the Borough.
- 4.3 "Retention" identifies the duration of time a record should be maintained. Refer to the Borough's current *Records Retention Schedule* for specifics.

5. Records Disposition

Records relevant to a records request shall be placed on 'Hold' and all ordinary destruction and recycling procedures shall be suspended until the request has been completed and fulfilled. Courts may impose sanctions ranging from monetary penalties to default judgment for destruction of relevant documents.

The Records Manager shall notify the Records Technicians of requested records archived at the Records Center and suspend all ordinary destruction and recycling procedures until the request has been completed and fulfilled.

Departments and divisions that have relevant records in their possession shall be provided notice from the Borough Clerk's Office and will receive a routing memo with the specific request attached.

6. Procedures

This section offers further explanation of procedures as outlined in KPB 2.54.060.

- 6.1 A record request form must be filed with the Borough Clerk's Office to initiate a records request , both paper forms and an electronic submission form are available. The request must include necessary attachments when appropriate (i.e. Authorization for Release of Confidential Information, or a Law Enforcement Official Written

Statement).

If the information or records requested can be located on the Borough's webpage, filing a request form with the Clerk's Office is not necessary. The department and division may simply assist the public in navigating the Borough's webpage to locate records online.

The Borough Clerk's Office must acknowledge receipt of a request within three (3) business days and provide the information requested or offer an explanation that states more time is needed to locate the requested information.

If the information requested is too broad or vague, the Borough Clerk's Office must request clarification within the three-day acknowledgment period.

If the request was submitted through the online submission form, a Notice of Receipt will automatically be emailed to the requestor:

**** This is an automatic response – Do Not Reply ****

NOTICE OF RECEIPT

This is your automatic email confirmation.

The Kenai Peninsula Borough has received your record request. The Borough Clerk's Office will review your request and assign for processing.

Kenai Peninsula Borough Code 2.54.060 requires that responses to requests be made within three working days of receipt of the request. The code further provides that the three working day deadline can be extended provided notice is given to the requestor that additional time is needed.

You will be contacted prior to your request being completed if any charges will be incurred (KPB 2.54.070).

Should you have any questions, please don't hesitate to contact the Borough Clerk's Office (907) 714-2160.

- 6.2 Upon receipt of a request by the Borough Clerk's Office, the request will be referred to the Borough Attorney or designee for a legal recommendation as to whether the material is subject to disclosure.

The Borough Clerk shall make the final determination regarding disclosure after considering the advice of the Borough Attorney or designee.

If a request is denied, a written statement must accompany the denial setting out the applicable law or rule of exemption.

- 6.3 After the question of disclosure is answered, non-confidential requests will then be referred to the service area, division or department that is responsible for the record. The Borough Clerk's Office will compile the records received from the service area, division or department and notify the requester of the completion of the request, the availability of the records and any associated costs.

Confidential requests will be referred to the service area, division or department that is responsible for the record. The service area, division or department will compile the records and provide to the requestor directly. The service area, division or department will notify the Borough Clerk's Office that the information has been provided and the request has been completed.

Service Areas, divisions or departments compiling records for a request will select only those records that are exactly as described in the request. Providing additional information that is not itemized on the request could have a significant impact on research time and associated costs.

There are two different workflows for processing records requests: (1) Confidential Records and (2) Non-Confidential Records. See Attachments A and B.

- 6.4 Requests for current employee records are to be processed through the Human Resources Department as outlined in the current Collective Bargaining Agreement (CBA).
- 6.5 Requests for former employee records are to be processed in the same manner as confidential records requests described in Paragraph 6.3.

7. Confidentiality

Many records subject to record retention requirements contain confidential information. These records are protected by federal and state legislation, including but not limited to the Health Insurance Portability and Accountability Act (HIPAA), the Family Educational Rights and Privacy Act (FERPA), Children's Online Privacy Protection Act (COPPA) and the Gramm-Leach-Bliley Act (GLBA) as well as various specific policies of the Borough and its code of ordinances.

8. Fees and Associated Costs

- 7.1 If time to perform the search of the requested record exceeds five (5) hours, the requester may be charged for personnel costs and associated copying tasks. Likewise, if the production of records for one requester in a calendar month exceeds five (5) hours, the borough will require the requester to pay personnel costs to complete the search and associated copying tasks, if any.

The requester shall pay the fees and associated costs before the records are disclosed. *See the KPB's current fee schedule.*

- 7.2 Divisions or departments compiling records for a request shall keep track of time spent to research and fulfill a request. (See page 2 of Attachment A) Documented time will not only be used to determine if the production of records for one requester in a calendar month exceeds five (5) hours, but will also determine if it is necessary to charge personnel costs per each request.
- 7.3 The Borough Mayor may waive imposition of costs when it is in the best interest of the Borough. *KPB 2.54.070(C)*

9. No Duty to Create Records

These procedures do not require the Borough to create new records, or provide information in a format that is different from the original record. In the event that only a small component of a record is requested, the Borough may, at its discretion, create a new record to fulfill the request.

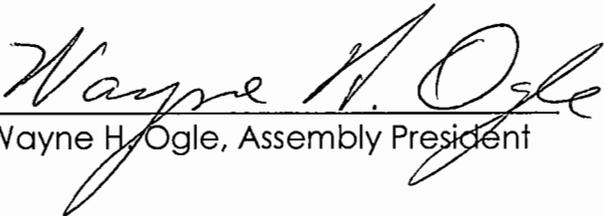
A request to create a record that does not already exist may be granted only on a time available basis and only after prepayment of all costs and expenses associated with the request.

10. Records Requests are a "Record"

All record requests and the information provided to fill the requests are a "record" of the Kenai Peninsula Borough and may be subject to disclosure.

If a service area, division or department is responsible for processing confidential requests, a complete record capturing the entire progress of the request shall be kept and maintained in accordance with the Borough's retention schedule.

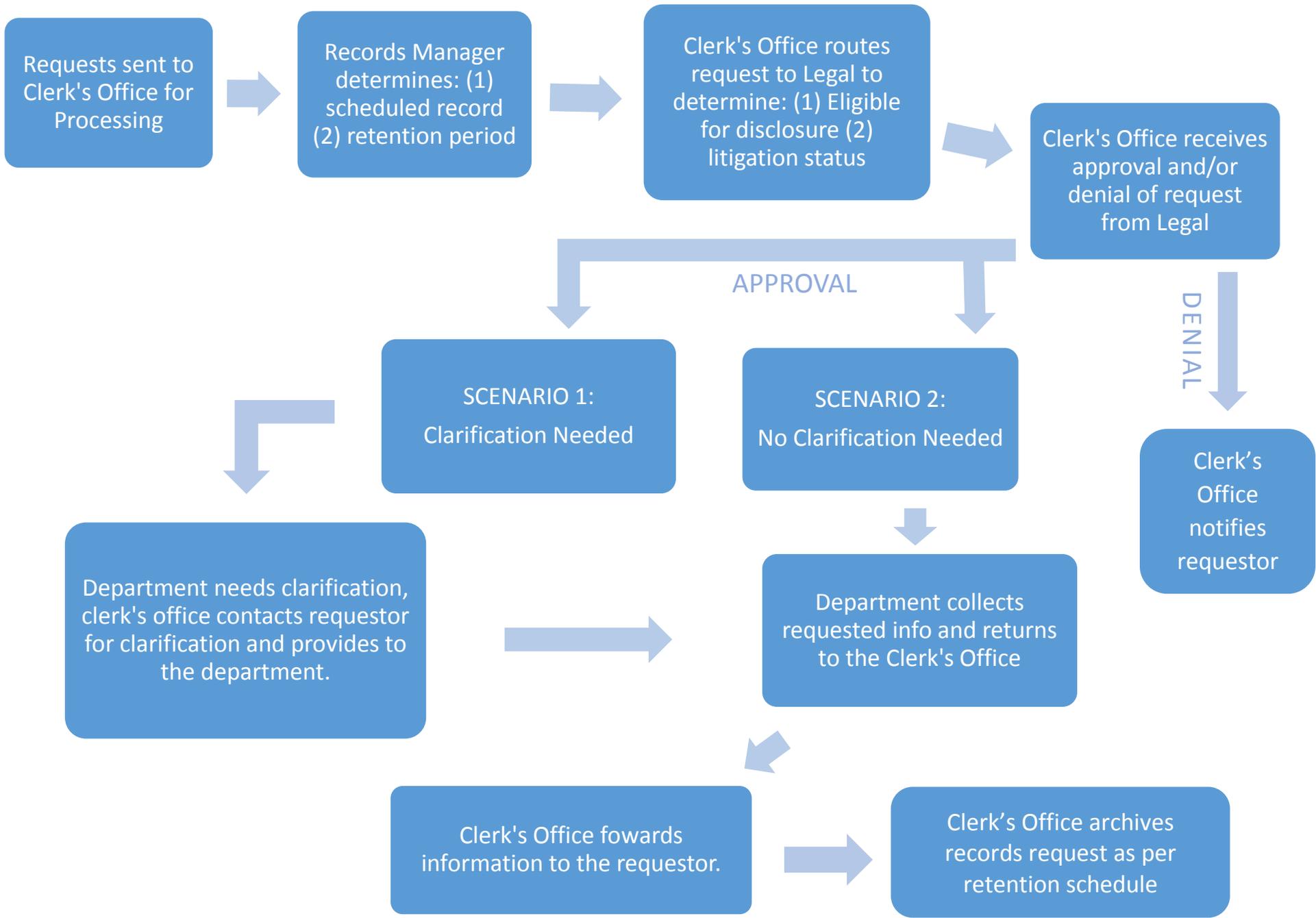
These procedures supersede any previous procedures issued and approved under KPB 2.52.040.


Wayne H. Ogle, Assembly President

1/29/2019
Date

Attachment A – Workflow for Non-Confidential Public Records Requests
Attachment B – Workflow for Confidential Public Records Requests

Processing Non-Confidential Records Requests



Processing Confidential Records Requests

