MUNICIPAL COURT

ACCESS TO ADMINISTRATIVE RECORDS

Access to Administrative Records (GR 31.1)

As an agency of the Washington State Judicial Branch, the Everett Municipal Court would like to assist you in understanding the Washington law governing access to administrative court records, as well as the process for obtaining those records. This is an overview of your right to view or obtain copies of judicial administrative records. If you would like more specific information, you should refer to GR 31.1. We provide this information as a guide — not as a legal document.

An "administrative record" is a public record created by or maintained by a court or judicial agency that is related to the management, supervision, or administration of the court or judicial agency. The State Judiciary's rule regarding inspection and copying of administrative records is General Court Rule 31.1 (GR 31.1)[1]. GR 31.1 memorializes the State Judiciary's commitment to an open administration of justice as provided in article I, section 10 of the Washington State Constitution.

Administrative records maintained by a court, court clerk's office, court administrative office, or other judicial branch entity are presumptively open to public access, subject to exceptions found later in this document. Access to administrative records will be provided under reasonable conditions. Specific or clarifying information may be necessary to ensure your request is properly processed.

Access to Records that Relate to In-Court Proceedings (GR 31)

Records that relate to in-court proceedings, including case files, dockets, calendars and the like, are called "case records." Public access to case records is governed by GR 31 (which refers to these records as "court records") and not by GR 31.1. Under GR 31, these records are presumptively open to public access, subject to stated exceptions. If you would like more specific information, you should refer to GR 31.

[1] Effective date: January 1, 2016

Records Exempted or Prohibited from Disclosure under GR 31.1

CHAMBERS RECORDS ARE NOT SUBJECT TO DISCLOSURE

Chambers records are not administrative records and are not subject to disclosure. "Chambers records" are records that are created or maintained by any judicial officer or chambers staff and is maintained under chambers control, whether directly related to an official judicial proceeding, the management of the court, or other chambers activities. "Chambers staff" means a judicial officer's law clerk, a judicial officer's administrative staff, and any other staff, when providing support directly to the judicial officer at chambers.

ADMINISTRATIVE RECORDS THAT ARE EXEMPT FROM DISCLOSURE

It is the policy of the State Judiciary to facilitate access to administrative records, and a presumption of access applies to these records. Access to administrative records, however, is not absolute and must be consistent with exemptions or prohibitions under GR 31.1, other court rules, federal statutes, state statutes, court orders, or case law. Access shall not unduly burden the business of the judiciary. Although part of a record may be exempt from public view, that does not mean the entire record is exempt. The information not subject to disclosure would be redacted and the rest of the record provided to you. The reason for denial of access will be documented by the court.

Some examples of exemptions are set forth in Appendix I. You may also wish to consult with the court's Public Records Officer to determine whether the records you seek are publicly accessible.

How to Request Records

A formal request for administrative records must be in writing and should be on the Court's records request form. It is important to make your request as specific as you can. You may deliver your request the court in person, or by e-mail or fax.

- Address: 3028 Wetmore Avenue, Everett, Washington.
- E-mail: municipalcourt@everettwa.gov
- Fax: (425) 257-8678
- Telephone: (425) 257-8778 (questions only – all requests for records must be in writing)

Unless records are exempt from disclosure, availability will be during customary office hours. Except for court holidays, Everett Municipal Court is open Monday through Friday from 8:00 a.m. until Noon and from 1:00 p.m. until 4:30 p.m. The court may enact reasonable rules to protect records from damage or disorganization and to prevent disruption of operations.

No Requirement to Create Records

While, in general, the Everett Municipal Court will provide access to existing administrative records in its possession, there is no requirement to collect information or organize data to create a record that does not exist at the time of the request.

Response to a Request

The Everett Municipal Court will respond to an administrative records request within five working days of its receipt. "Working days" means days that the court is open. The response will acknowledge receipt of the request and will either provide the record(s) or acknowledge your request and include a good-faith estimate of the time needed to provide records responsive to the request. The estimate may be later revised, if necessary. If your request is not clear, you may be asked for further clarification.

The court may notify persons/agencies named in a record or to whom a record pertains that access to the record has been requested. That person/agency may ask a court to prevent access to the record. If a court order preventing disclosure is sought, the records request will be held until further order of the court.

If a particular request is of a magnitude that the court cannot fully comply within a reasonable time due to constraints on the court's time, resources, and personnel, the court will communicate this information to you and attempt to reach agreement with you as to narrowing the request to a more manageable scope and as to a timeframe for the court's response, which may include a schedule of installment responses. If an agreement cannot be reached, then the court will respond to the extent practicable and in this way complete the response.

The court may deny your records request if it determines that: the request was made to harass or intimidate the court or its employees; fulfilling the request would likely threaten the security of the court; fulfilling the request would likely threaten the safety or security of judicial officers, staff, family members of judicial officers or staff, or any other person; or fulfilling the request may assist criminal activity.

Fees

In most cases, there is no fee for inspecting public records. For larger requests that require over one hour of staff time to search for, locate and prepare the responsive records, the court may charge for staff costs at $30 per hour, beginning after the first hour.

If the requestor wants copies, the court may also charge for the actual cost of copying or scanning the records.

The court may require a deposit in an amount not to exceed the estimated cost of providing copies for a request. If the court makes a request available on a partial or installment basis, the court may charge for each part of the request as it is provided. If an installment of a records

request is not claimed or reviewed within 30 days, the court is not obligated to fulfill the balance of the request.

Options if a Request is Denied

If your administrative records request is denied, you may ask the court to conduct an internal review of the denial. Your internal review request must be submitted within 90 days of the Public Records Officer's decision. The court has forms available to request review of a decision. The review proceeding will be held within five working days from the date the court receives the request for review. If that is not reasonably possible, then within five working days the review will be scheduled for the earliest practical date.

After the internal review process has been exhausted, you can request further review by choosing between the following two alternatives:

1. File a civil action in superior court challenging the administrative records decision; or
2. Request external review of the decision by a visiting judge or other outside decision maker.

A request for an external review must be submitted within 30 days of the issuance of the court's final decision. For more information regarding seeking review, you may wish to refer to GR 31.1.

APPENDIX I: SPECIFIC ADMINITRATIVE RECORDS EXEMPTIONS

The following is a non-exclusive list of some common exemptions to the general right of access to administrative records:

- Personal identifying information, including individuals' home contact information, Social Security numbers, driver's license numbers, and identification/security photographs.
- Name of a complainant or witness when the person is a victim or a witness to a crime, has made a complaint to law enforcement, or disclosure would endanger any person's life, physical safety, or property.
- Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers.
- Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy. The following information of employees, volunteers and their dependents is generally exempt:
    - Residential addresses, residential telephone numbers, personal wireless telephone numbers and personal electronic mail addresses;
    - Social Security numbers and emergency contact information;
    - Number of exemptions (dependents);
    - Driver's license information;
    - Withholding status;
    - Bank name;
    - Shared leave given by a donor (charitable contribution);
    - Information under employee deductions, i.e. name of health/dental plans, garnishment/child support, deferred compensation, retirement plan, etc.;
    - Union dues;
    - Charitable contributions;
    - Disabilities;
    - Medical records, including medical reasons for sick leave, shared leave received, FMLA, RA, etc.;
    - Sensitive records relating to health, marital and family information necessary for calculating health plans, job benefits and taxes;
    - Performance evaluations of court staff or judicial branch employees unless related to specific misconduct;
    - To be determined on a case-by-case basis: Unsubstantiated allegations of governmental misconduct made against an identified employee if release of the information would be highly offensive to a reasonable person (e.g. sexual misconduct).
- Documents related to an attorney's request for a trial or appellate court defense expert, investigator, or other services, any report or findings submitted to the attorney or court by the expert, investigator or other service provider, and the invoicing of the expert,

investigator or other service provider during the pendency of the case in any court. Payment records are not exempt, provided that they do not include medical records, attorney work product, information protected by attorney-client privilege, information sealed by a court, or otherwise exempt information.

- Any record used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicard.
- Any records, including the complaint and the identity of the complainant, associated with the court's internal investigation of a complaint against the court or its contractors during the course of the investigation. The outcome of the court or judicial agency's investigation is not exempt.
- Information related to individual claims resolution structured settlement agreements submitted to the board of industrial insurance appeals other than final orders from the board of industrial insurance appeals.
- The name and identifying information of a public agency employee who sought advice through an informal process to determine the employee's rights under RCW 49.60 (the Washington Law Against Discrimination) and the employee requests identifying information not be disclosed.
- Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans, the disclosure of which would have a substantial likelihood of threatening the security of a judicial facility or any individual's safety.
- Requests for judicial ethics opinions.
- Minutes of meetings held exclusively among judges, along with any staff.
- Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies or recommended, unless publicly cited by athe court in connection with any court action.
- Evaluations and recommendations concerning candidates seeking appointment or employment within a court or judicial agency.