

# **Tobacco Settlement Authority**

## **Instructions for Requests for Public Records**

Washington law [RCW 42.56](#), provides the public access to copies of records of public agencies, with certain exceptions, The Washington Higher Education Facilities Authority (the Authority) makes its records available under that law. The Authority does not have jurisdiction over the records of other public agencies. See more information below.

### **How to Request Copies of Records**

If you wish to review or obtain copies of Authority records follow these steps.

1. **Check the Authority's website.** The website contains many pages of documents available for viewing and copying, for free. See examples below.\*
2. You do not need to make a formal request to view those records - just check the website.
3. **If you don't find the record you want on the website, call the Authority.** Perhaps you missed the record. Authority staff may be able to find the online record for you, and give you the link. Once you are provided a link this will serve as a copy of the record. Or, if you are making an informal routine inquiry for an Authority record (such as for a copy of a brochure or a report), you do not need to make a formal Request for Public Records. Just contact the Authority and request it.

### **Requests for Public Records Form**

1. **If the record is not available on the Authority's website**, and you want to make a formal Request for Public Records under the Public Records Act, fill out the Authority's Request for Public Records Form at <http://www.tsa-wa.org/RequestForPublicInformation.pdf>
2. This form provides the Authority the information needed to begin a search for potentially responsive documents, if any, and follow up with you if staff has questions for you. If you don't use the form, make sure you include all the information from the form in your written request, including your name, address, telephone, email address, and a detailed description of the records you request. Your request must be confirmed in writing.
3. **Send the Authority's Request for Public Records Form to the Tobacco Settlement Authority.** Mailing address: Tobacco Settlement Authority, 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046; Attention Public Records Officer; Fax: (206) 587-5113; Email: If you send your request by Email, send it ONLY to [TSA@wshfc.org](mailto:TSA@wshfc.org). This helps the Authority make sure your request is received and you receive a timely response. The Authority does not accept Requests for Public Records sent to other email addresses.
4. **SEND ALL REQUESTS TO THE ATTENTION OF THE PUBLIC RECORDS OFFICER.** The Authority's Public Records Officer will sign the request, keep a copy

and forward the Request for Public Records to the appropriate program for a timely response.

5. **You will receive a confirmation within 5 business days.** Then, stay in touch with the Authority if staff need time and/or more information to process your request. If Authority staff have questions for you about your request, or need other information, they will contact you. Make sure you answer any questions and provide other responses in the time identified; otherwise your request will be closed. If you change your mind and don't want a record, let the Authority know.
6. **You will be provided records responsive to your request, if any.** Some records may be provided in installments. Some records or information may be exempt from public disclosure or exempt for a period of time. Authority staff will let you know if that is the case, and why the information or record is exempt. You will be responsible for paying any copying and mailing costs. Authority staff will let you know what those are. See fee schedule on the next page.

### **Exempt Records**

Generally, all the Authority's files are available for public inspection, unless exempt from disclosure under the provisions of RCW 42.56. Examples of information that are *not* available for public review include, but are not limited to:

- Records protected by the Attorney-Client privilege. (RCW 5.60.060(2) (a)).
- Certain confidential personal information maintained on borrowers or applicants for Authority programs to the extent disclosure violates the individual's right to privacy. See e.g., RCW 42.56.230(4) (exempting financial information from disclosure).
- Lists of individuals to be used for commercial purposes (RCW 42.56.070(9)).
- Certain confidential personal information maintained on employees, appointees, or elected officials to the extent disclosure violates the individual's right to privacy (RCW 42.56.230(2)).
- Records relevant to a controversy and protected under the work product doctrine (RCW 42.56.290).

In addition, the Authority reserves the right to redact portions of otherwise disclosable public records where there is an invasion of personal privacy protected by RCW 42.56; or, where the information is otherwise exempt from production.

\* Examples of records available on the TSA website: Contact lists by program area; statutes; interpretive statements; external policies; manuals; fact books; brochures; videos; Authority meeting agendas, materials, and minutes; strategic plans; reports; other forms and reports; news releases; and, other information. Information on the website is updated regularly.

**Tobacco Settlement Authority  
Request for Public Records Fee Schedule**

<b>Type of Record</b>	<b>Fee</b>
Standard sized (8 ½ x 11) black and white paper copies of public records maintained on paper or maintained electronically and printed on paper	15 cents per page (each side is one page)
Standard sized (8 ½ x 11) color paper copies of public records maintained on paper or maintained electronically and printed on paper	15 cents per page (each side is one page)
CD of copies	\$1 per CD plus scanning fee for any scanned records; no additional fee for copying electronic records onto CD
DVD of copies	\$1 per DVD plus scanning fee for any scanned records; no additional fee for copying electronic records onto DVD
Nonstandard (oversized copies, photographs, etc.)	Actual cost.
Scanned paper records	Scanning fee is 10 cents per page (each image is one page)
Statements and reports filed under RCW 42.14A	Actual cost of paper copies; many statements and reports are available for inspecting online at no cost. RCW 42.17A.020.
Video tapes, cassette tapes, or slides	Actual cost.
Records copied by an outside vendor	Actual cost. An outside vendor may be used due to volume, current workload of Authority staff, unique nature of the request, or any reason.
Electronic transmittal of files	5 cents for every four files
Electronic transmittal of records	10 cents per gigabyte
Records on Authority website	No charge for viewing
Records inspected in Authority offices	No charge for viewing
Any other record not described above	Actual cost

**GUIDELINES FOR WAIVING FEES AND ARRANGING PAYMENT  
FOR RECORDS PRODUCED IN RESPONSE TO  
REQUESTS for PUBLIC RECORDS UNDER RCW 42.56**

1. **Tobacco Settlement Authority FEE SCHEDULE.** The Authority Fee Schedule applies to all public records requests made under RCW 42.56
2. **SMALL RESPONSE.** Fees are automatically waived when the total response to a request is less than 10 pages.
3. **OTHER WAIVER.** The Public Records Officer may waive fees (copying & mailing) when the total fees in response to a request, or the fees installment, is \$5.00 or less. (That is because it costs at least \$5.00 to process a payment.)
4. **UNWAIVED FEES.** All unwaived fees must be paid prior to providing records.
  - a. Records are not to be provided until unwaived fees are paid.
  - b. The Public Records Officer will advise the requester of the fees due, and provide the requester an invoice with a deadline for payment.
  - c. Once the invoice is paid, the records will be provided.
  - d. The next installment will not be processed (records searched, reviewed) until the requester timely pays for a prior installment.
  - e. If an invoice is not paid by the deadline, the Public Records Officer will make a note in the file and place a copy of the unpaid invoice in the file, and close the request. WAC 390-14-030

**ADVANCED DEPOSITS.** The Public Records Officer may require a deposit of 10 percent of the estimated cost of an installment or request prior to producing a request. WAC 390-14-030. The Public Records Officer will obtain guidance from the Executive Director on when a deposit will be required before processing a request. Other examples of factors that may be considered in requiring a deposit:

  - f. The request is very large and/or will require an extensive or extended (multiple-month) allocation of agency resources.
  - g. The requester has an outstanding unpaid invoice from a prior public records request, an outstanding unpaid penalty from an Authority enforcement proceeding, or other documented history showing prior unpaid bills (e.g. bankruptcy proceeding; or, requester is a political committee with reports showing outstanding unpaid debt after an election).
  - h. The request will involve outside vendors costs, other direct costs not typically incurred by the Authority in responding to a request, or other unusual or unanticipated costs (e.g., copying videos).
  - i. Unused deposits will be returned to the requester.
5. **PAYMENT MECHANISMS.** Payments may be made by cash, check or money order. See Authority Fee Schedule.
  - a. Checks and money orders are to be made payable to the Tobacco Settlement Authority.
  - b. Cash payments shall be placed into the petty cash fund and accounted for in the usual procedure for that fund.
  - c. The Authority does not have the ability to process credit card or debit card payments or to make change.
6. **OTHER PAYMENT ISSUES.** The Public Records Officer will consult with the Executive Director if other payment issues arise that are not addressed in the Authority Fee Schedule or these Guidelines.

## **Other Information - Fees and Payment**

Actual costs are determined at the time the record is produced. Factors include but are not limited to materials, outside vendor cost and other direct costs in producing the request.

Actual costs of mailing records, including postage and mailing containers, are added to the fees above.

It may not be feasible to email records if the volume is too large to be sent or received, or for other reasons based upon limitations in technology (the agency's or the requester's).

Refer to the attached Request for Public Records Fee Schedule for exact fees for each method of providing records.

Payment must be made by cash, or check or money order payable to the Tobacco Settlement Authority. The Authority has no ability to accept credit card or debit card payments. If paying with cash, the exact amount is required as the Authority has no ability to make change.

The Public Records Officer may require a deposit, and/or payment for each installment before providing the next installment. The Public Records Officer will require full payments before providing the records.

The Public Records Officer may also waive the charges when the expenses of processing the payment exceed the cost of providing copies (estimated at \$5).