

FERNDALE MUNICIPAL COURT

POLICY

Effective Date: January 1, 2016

ACCESS TO ADMINISTRATIVE COURT RECORDS

http://www.courts.wa.gov/newsinfo/publication/?fa=newsinfo_publication.gr31

This policy addresses access to administrative court records as defined in General Rule (GR) 31.1 Access to Administrative Records.

"Administrative record" means a public record created by or maintained by a court or judicial branch agency and related to the management, supervision, or administration of the court or judicial branch agency."

"Access to administrative records, however, is not absolute and shall be consistent with exemptions for personal privacy, restrictions in statutes, restrictions in court rules, and as required for the integrity of judicial decision making. Access shall not unduly burden the business of the judiciary."

I. Ferndale Municipal Court Public Records Officer:

Shirley Zimmerman, Court Services Manager
2220 Main Street
Ferndale, WA 98248
Phone: 360-384-2827
Fax: 360-383-0938
Email: shirleyzimmerman@ferndalecourts.org

II. Requests for administrative records shall be made in writing to the Public Records Officer.

A. A person or entity seeking administrative records must identify or describe the documents with sufficient clarity to allow the court to locate them.

III. This policy and the records request form shall be posted on the Ferndale Municipal Court website ferndalecourts.org

IV. Responses to a request for records will be made in the following manner:

A. An initial response will be within 30 working days.

1. The response shall acknowledge receipt of the request and a good faith estimate of the time needed to respond to the request.
 - B. A substantive response will be within the time frame specified in the court's initial response.
- V. Records requests that involve harassment, intimidation, threats to security, or criminal activity:
 - A. Ferndale Municipal Court may deny a records request if it is determined that;
 1. The request was made to harass or intimidate an employee of Ferndale Municipal Court.
 2. Fulfilling the request would likely threaten the security of the court.
 3. Fulfilling the request would likely threaten the safety or security of judicial officers or staff or any other person.
 4. Fulfilling the request may assist in criminal activity.
- VI. Persons who are subjects of records:
 - A. Unless otherwise required or prohibited by law, Ferndale Municipal Court may notify the person named in a record or to whom a record specifically pertains, that access to the record has been requested.
- VII. Fees:
 - A. A fee will not be charged to view administrative records.
 - B. A fee will be charged for the photocopying or scanning of administrative records.
 - C. The court may require a deposit in an amount not to exceed the estimated cost of providing copies for a request.
 - D. A fee not to exceed \$30.00 per hour may be charged for research and preparation services required to fulfill a request taking longer than one hour. The fee shall be assessed from the second hour onward.
- VIII. Review of the Public Records Officer's response to an administrative records request:
 - A. A record requester may seek an internal court review within 90 days of the decision by submitting a written request to the Ferndale Municipal Court presiding judge.
 1. The review will be held within 10 working days by a Ferndale Municipal Court judge. If a review cannot be completed within 10 working days, a review will take place as soon as reasonably possible.
 2. Upon the exhaustion of remedies in Section 8.A, a record requester aggrieved by the decision may obtain further


review by choosing between two alternatives noted below:

- a. Review via civil action in court. The requesting person may use a judicial writ of mandamus, prohibition, or certiorari to file a civil action in Superior Court, challenging the records decision.
 - b. The requesting person may seek an informal review by a visiting judge.
 - i. The review proceeding shall be informal and summary.
 - ii. The decision resulting from the informal review proceeding may be further reviewed in Superior Court pursuant to a writ of mandamus, prohibition, or certiorari.
3. The deadline for seeking an external review is 30 days after the issuance of the courts' final decision.

APPROVED:



Judge Terry Lewis



Date