



# SOUTH WHIDBEY FIRE / EMS

5579 Bayview Road • Langley, WA 98260  
(360)321-1533 • Fax (360)321-9385 • www.swfe.org

## REQUEST FOR PUBLIC RECORDS WAC 44.14 - RCW 42.56.010 - SWFE Policy 800-801

Date of Request: \_\_\_\_\_

Reason for Request: \_\_\_\_\_

Requester's Name: \_\_\_\_\_

Mailing Address (if paper copies are requested): \_\_\_\_\_  
\_\_\_\_\_

Email: \_\_\_\_\_ and/or Phone: \_\_\_\_\_  
(readable please...)

When needed (choose 1), requests are fulfilled in the order they are received:

- \_\_\_\_\_ Urgent, within 5 days or less (RCW 42.56.520 (1)(a))  
\_\_\_\_\_ Routine, within a week or will be advised of a new deadline (RCW 42.56.520 (1)(b,c))  
\_\_\_\_\_ No rush, within 2 week time or less. (RCW 42.56.520 (1)(d); (2) (3) (a,b))

### **DESCRIPTION OF REQUESTED RECORD:**

Please be as specific as possible. We will be able to process your request faster if you clearly identify the record you are requesting and the purpose of the request. (attach another page if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If requested records are retrieved, I would like to:

- Inspect the records  
 Receive Electronic copies via email or other (specify: \_\_\_\_\_)  
 Receive hard copies via mail or pick up (circle one)

**FEES:** South Whidbey Fire/EMS does not currently charge a fee to fulfill public record requests unless they are extensive and time consuming. (RCW 42.56.120)

Pursuant to the provisions of RCW 42.56.070 (8), I certify the record or information requested will not be used for commercial purposes. (Declaration of Commercial Purposes must accompany all requests).

\_\_\_\_\_  
Signature of Requestor

**South Whidbey Fire/EMS  
Public Records Request  
Declaration Regarding Commercial Purposes  
(Must accompany all public records requests)**

AUTHORITY: (RCW 42.56.070(8); 40.14; Washington State, Office of the Attorney General, Chapter 1,  
Public Records Act – General and Procedural Provisions 1.6 (A))

Requestor: \_\_\_\_\_

Dated: \_\_\_\_\_ (Attach copy of request)

1. Washington State Law, 42.56.070(8), which states in part *"This chapter shall not be construed as giving authority to any agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives to give, sell or provide access to lists of individuals requested for commercial purposes..."*
2. Washington State Office of the Attorney General: Open Government Resource Manual, Item 1.6 (A) states in part: *"A person making a public records request is not required to give a reason for the request, unless the request is for lists of individuals. Dawson v. Daly (1993); Yacobellis v. City of Bellingham (1992). An agency may ask if a request for "lists of individuals" is "for commercial purposes." RCW 42.56.070(9). See also 1988 Att'y Gen. Op. No. 12 (access to list of individuals may be conditioned upon non-commercial use). The limitation on commercial-use requests has three elements: (1) "list of individuals," (2) for a "commercial purpose," and (3) disclosure is not "specifically authorized or directed by law." The word "individuals" refers to "natural persons - as opposed to business entities, committees, or groups." 1975 Att'y Gen. Op. No. 15. A "list of individuals" can have other fields in it (such as addresses) and still be a "list of individuals." 1980 Att'y Gen. Op. No. 1. "Commercial purpose" has its ordinary meaning and includes a business activity by any form of business enterprise intended to generate profits, revenue or financial benefit. SEIU Healthcare 775NW v. State (2016) (interpreting what is a commercial purpose). An agency has an obligation to avoid disclosing lists of individuals for commercial purposes and may require a requester to sign a declaration describing the purpose of the request and stating that he or she will not use records listing individuals for a commercial purpose. Merely requiring the requester to affirm the request is not made for commercial purpose may not be enough depending on the circumstances and the agency may have an obligation to investigate depending on the nature of the request. Id; . see also 1988 Att'y Gen. Op. No. 12.*

I hereby declare, under penalty of perjury under the laws of the State of Washington:

- the list of individuals I have requested from South Whidbey Fire/EMS under the above referenced request for public records will not be used for commercial purposes as defined by (RCW 42.56.070 (8) and Washington State, Office of the Attorney General, Chapter 1, Public Records Act – General and Procedural Provisions 1.6 (A).
- the list of individuals I have requested from South Whidbey Fire/EMS under the above referenced request for public records will be used for commercial purposes. EXEMPTIONS: WAC 458-276-045 (2)

Signed at, this \_\_\_\_ day of \_\_\_\_\_, 2022 or 2023 (pick one).

\_\_\_\_\_  
Requestor/Declarant

\_\_\_\_\_  
Witness Name

\_\_\_\_\_  
Relationship: \_\_\_\_\_

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State and Zip