

KING COUNTY FIRE PROTECTION DISTRICT NO. 27

STANDARD OPERATING POLICY

POLICY NO.: 18-04-01

SUBJECT: PUBLIC RECORDS DISCLOSURE

EFFECTIVE DATE: April 10, 2018

PAGES: 10

APPROVAL: *Chris Connor*

1. REFERENCE:

RCW 42.56 Public Records Act
WAC 44.14 Public Records Act – Model Rules
Resolution 2018-1

2. PURPOSE:

The District is committed to providing the public full access to public records in accordance with the Washington State Public Records Act (PRA), referenced in RCW Chapter 42.56 and the Model Rules of WAC 44-14. The purpose of the PRA is to provide the public with full access to records concerning the conduct of government, mindful of individual privacy rights and the desirability of the efficient administration of government.

3. POLICY:

This PRA Disclosure policy establishes the procedures the District will follow to provide for the fullest assistance to requestors including the timeliest possible action on requests, while protecting public records from damage and preventing “excessive interference with other essential agency functions” RCW 42.56.100. The District must also insure that its record disclosure policy and procedures protect against the invasion of an individual's right to privacy and restricts access to its records that are exempt from public disclosure.

The inspection and copying of District records must be conducted under the supervision of District personnel to protect the records. The District has a limited number of office personnel available to provide the required supervision. While the District will make every effort to provide prompt responses to record inspection and copying requests, the District cannot permit the response to record requests to unduly interrupt the normal operations of the District.

To insure the protection of the District records and to prevent the improper disclosure of records, no District personnel shall have access to District records, without the approval of the Public Records Officer, unless their regular job duties require access. While District personnel shall have access to District records that they must use in the performance of their assigned duties, they shall not have access to confidential information that is exempt from disclosure and which is not necessary for the performance of their duties. In the event personnel are afforded access to confidential records, they must not improperly use or disclose the information or records.

This policy and procedure shall apply to members of the public and to all District personnel including officials, employees, volunteers, commissioners and independent contractors who are retained by the District. Except where these guidelines are mandated by statute, the guidelines in this policy are discretionary and advisory only and shall not impose any affirmative duty on the District. The District reserves the right to apply and interpret this policy as it sees fit, and to revise or change the policy at any time.

Neither the District nor any official, employee, volunteer, commissioner, or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon a release of public records if the person releasing the records acted in good faith in attempting to comply with this policy. This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Despite the use of any mandatory terms such as “shall,” nothing in this policy is intended to impose mandatory duties on the District beyond those imposed by state and federal law.

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4. RESPONSIBILITY:

4.1 Public Records Officer: The Fire Chief, or his/her designee, is the designated Public Records Officer. The Public Records Officer will oversee compliance with the Washington State Public Records Act and these procedures. The Public Records Officer may delegate the responsibilities of processing requests to other staff.

4.2 District Staff: District staff will provide assistance to requesters, reasonably ensure that public records are protected from damage or disorganization and prevent fulfilling public records requests from causing excessive interference with essential functions of the District.

1. Public Records Act Training Requirements

All Commissioners and the Public Records Officer (PRO) must receive records training (PRA training concerning chapter 42.56 RCW and records retention training concerning chapter 40.14 RCW). This training must be completed no later than 90 days after these elected officials and PROs take their oath of office or assume their duties. They must also receive "refresher" training at intervals of no more than four years.

4.3 Requesters: While requesters are not required to specifically name the Public Records Act, they must give reasonable notice that the request is being made pursuant to the act. Requesters must request identifiable records or classes of records that the District can reasonably locate even though they are not required to specifically state the exact record sought.

5. DEFINITIONS:

District Review Authority. The District Review Authority shall be the District legal counsel.

Electronic Public Records: Electronic public records of the District include all data compilation stored and retained on the District computers containing information relating to the conduct or performance of any governmental function prepared, owned, used or retained by the District. *Electronic public records do not include personal materials entered or stored on District computers by employees and officials when using the computers for incidental personal use.*

Electronic Mail: (email) is an informational transfer system which uses computers for sending and receiving messages. Email messages are public records when they are prepared, owned, used or retained by the District and relate to the conduct of government or performance of any governmental proprietary function.

Exempt Record: Includes all District records that are specifically exempted or prohibited from disclosure by state or federal law, either directly in RCW 42.56 or other statutes.

Identifiable Record: A record that is in existence at the time the records request is made and that the District staff can locate after an objectively reasonable search.

Public Records Officer. The District Public Records Officer shall be the Fire Chief or designee.

Public Record: *RCW 40.14.010* defines public record as any paper, correspondence, completed form, bound record book, photograph, film, sound recording, map drawing, machine-readable material, compact disc meeting current industry ISO specifications, or other document, regardless of physical form or characteristics, and including such copies thereof, that have been made by or received by any agency in connection with the transaction of public business.

RCW 42.56.010(3) defines a public record to include any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." This does not include records that are not otherwise required to be retained by the agency and are held by volunteers who do not serve in an administrative capacity or have not been appointed by the agency to an agency board, commission, or internship; and do not have a supervisory role or delegated agency authority. *Public records do not include personal records of District employees or officials that may be in the possession of the employee or official or located in their office, lockers or living quarters.*

Writing: *RCW 42.56.010(4)* states: Writing means handwriting, typewriting, printing, photo stating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

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6. GUIDELINES:

6.1 Records Access and Copying

- 1. Computer Network.** In order to maintain the security of the records as required by RCW 42.56.100, District computer hardware shall not be available to the public for review of electronic records.
- 2. Public Records Availability.** The records or printouts of all electronic public records of the District as defined in section 5 are available for public inspection pursuant to these rules, except as otherwise provided by chapter 42.56 RCW and other applicable statutes.
- 3. Location of Records.** The District's public records shall be maintained at the District headquarters station or such other locations as the Board of Commissioners approves. All records shall be in the custody of the District Public Records Officer who shall be responsible for the implementation of these rules.
- 4. Records Index.** The District finds that maintaining a complete index as provided in RCW 42.56.070(3) for use by the public would be unduly burdensome due to staffing and resource levels and would interfere with District operations given the high volume and types of public records received, generated and otherwise acquired by the District. The District will maintain its records in a reasonably organized manner and take reasonable actions to protect records from damage and disorganization.
- 5. Hours for Inspection and Copying.** Consistent with the requirements of the Public Records Act, the Public Records Officer or his/her designee will generally be available to schedule times during the hours of 9:00 a.m. to noon and 1:00 p.m. to 4:30 p.m., Monday through Friday excluding legal holidays. The availability of District staff during these hours may be limited by budgetary constraints, staff workloads, volume of public records requests and other factors related to the District's primary purpose of providing its essential functions in the community. Scheduling inspection times in advance is strongly advised to help ensure staff availability. It is the District's policy that no more than four hours per week will be dedicated to locating, researching, copying and providing public records due to the limitation of administrative staffing resources.

6.2 Protection of Public Records.

To protect public records from damage and disorganization, the following requirements are adopted pursuant to RCW 42.56.100.

1. Public records must be inspected in the presence of a designated District employee.
2. Requestors may not remove public records from the viewing area.
3. Public records may not be marked, altered or defaced by a requestor.
4. Access to file cabinets, shelves, or storage areas is restricted solely to District personnel.

6.3 Making a Request for Public Records.

1. In accordance with the provisions of chapter 42.56 RCW public records may be inspected and copied, or copies obtained by members of the public. Any person requesting access to public records or seeking assistance in making such a request should contact the Public Records Officer at the District Office. Requests for public records may be submitted in person, orally, by mail, fax, or e-mail. Requests by mail, e-mail, and faxes will be considered received on the date the form is stamped "received", not on the day sent.

Public Records Officer
King County Fire District 27
4301 334th Place S.E.
PO Box 609
Fall City, WA 98024

Phone: (425) 222-5841
Fax: (425) 222-4566
Email: administration@king27fire.com
Hours: 9:00 a.m. to noon, and 1:00 p.m. to 4:30 p.m.
Monday - Friday excluding holidays

The District encourages that all requests for public records be made in writing on the District's **Request for Public Records Form** which is available at the District Office and on the website at www.king27fire.com.

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2. The request shall include the following information:

- A) The name, address, and contact phone number of the person requesting the record;
 - B) The date and time of day on which the request was made;
 - C) The nature of the request, including a detailed description of the public record(s) adequate for the Public Records Officer or designee to locate the records (title and date, if known);
 - D) Whether the requestor intends to inspect the records or obtain copies of the records.
 - E) If the requested record is a list of individuals a signed statement that the information obtained will not be used for commercial purposes.
 - F) A statement that the records including lists of individuals are not being requested for commercial purposes.
3. All mailed or emailed requests shall contain the information described above and shall be mailed to the District headquarters station or emailed to administration@king27fire.com.
4. In all cases in which a member of the public is making a request, it shall be the obligation of the Public Records Officer to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

6.4 Exemption from Public Inspection.

1. The District reserves the right to determine that a record requested is exempt in whole or in part from public inspection under chapter 42.56 RCW or other applicable statutes.
2. In accordance with RCW 42.56.070 the District reserves the right to delete identifying details when it makes available any public record or printout of a public record in any case where there is reason to believe that disclosure of details would be an invasion of personal privacy protected by chapter 42.56 RCW or other applicable statutes. The employee who deletes information shall fully justify the deletion in writing.
3. All denials of requests for copies of public records shall be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record or portion of the record and a brief explanation of how the exemption applies to the record.

6.5 Duties of Public Records Officer. The Public Records Officer or his/her designee shall undertake the following analysis with respect to all records requests:

1. The Public Records Officer shall review the request form and shall review the requested record to determine the nature of the information contained in the record and to determine whether or not the release of the requested record is exempt from public inspection under chapter 42.56 RCW or other applicable statutes.
2. If the record requested is classified as a medical record the Public Records Officer shall determine whether the patient has authorized disclosure of the medical record pursuant to RCW 70.02.030. In the absence of patient authorization, the Public Records Officer shall determine whether the requester is an authorized recipient of the record as defined in RCW 70.02.050.
3. If the disclosure of the record requested is restricted by any other federal or state statute, the Public Records Officer shall comply with the restrictions or the procedure required for the release of the requested information.
4. In the event it is determined that there would be no violation of the right to privacy by the disclosure of the record or any information contained in the record or that the information is not exempt from disclosure, the Public Records Officer shall determine if the record may be inspected or copied in its entirety and if so, the inspection or copying shall be permitted.
5. In the event the record contains confidential information and public information, the Public Records Officer shall segregate the public information from the confidential information, prepare a copy of the record showing only the disclosable portion and release or permit copying of only the public information.
6. In the event the record contains information that affects the privacy interest of a third party and the Public Records Officer reasonably believes that an argument could be made that the

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record is exempt, the Public Records Officer shall provide notice, in accordance with RCW 42.56.540, to the affected third party of the District's intent to disclose the record.

6.6 Response to Request for Records.

The Public Records Officer, within five business days after receipt of the request (within fifteen business days of a patient's request for the patient's medical records) shall take one of the following actions:

1. Make the record available for inspection or copying; or
2. If the requested records are available on the District's website, provide the internet address and link on the website to specific records requested; or
3. Acknowledge receipt of request and provide a reasonable estimate of when records or an installment of records will be available. If the request requires clarification, the Public Records Officer shall acknowledge receipt of the request and ask the requester to clarify what record the requester is seeking. When requesting a clarification, the Public Records Officer shall, to the greatest extent possible, also provide a reasonable estimate of the time it would take to produce the records if the request were not clarified. If the requester fails to clarify the request, the Public Records Officer shall provide no further response to those portions of the request that were not clarified.
4. In the event the Public Records Officer determines that a full response will take longer than five business days after receipt of the request the Public Records Officer shall acknowledge receipt of the request and provide a reasonable estimate of when the District will respond. The determination of the time required to respond to the request will be based on a consideration of the following factors:
 - A) Clarity of the request,
 - B) Time required to locate and assemble the information requested,
 - C) Time required to notify third persons or agencies affected by the request,
 - D) Time required to determine whether any of the information requested is exempt,
 - E) Time required to obtain the consent of a person identified in the record if consent is required by statute.
 - F) Current staffing levels and essential job functions that must be performed by staff prior to locating and assembling the record requested.
 - G) Volume of pending public records requests. The general policy of the District shall be to respond to records requests on a first come first serve basis. However, the Public Records Officer retains discretion to respond to requests out of order of receipt when such out of order responses are more efficient.
 - H) Impact on Essential Functions. The Public Records Officer has numerous duties in addition to responding to records requests that are essential to the effective operation of the District. In situations where the Public Records Officer is unable to perform the essential duties and respond to all pending records requests, the Public Records Officer shall notify the Board of Commissioners to determine the appropriate action. See section 6.1. paragraph 5.
 - I) In the event the Public Records Officer determines the request meets the statutory definition of a "bot request" the District may deny the request if responding to the request would cause excessive interference with other essential functions of the District.
 - J) If the District does not respond within five business days of receipt of the request for records, the requester should consider contacting the Public Records Officer to determine the reason for the failure to respond.
5. Deny the request.
 - A) All denials shall contain the information specified in paragraph 6.4.3.
 - B) Denials of a patient's request for the patient's medical records shall comply with the requirements specified in RCW 70.02.090.

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6.7 Review of Denials.

1. Any person who objects to the denial of a request to inspect or copy a public record may petition for a prompt review of the decision by submitting a written request for review to the District Public Records Officer.
2. Upon receipt of a written request for review of a decision denying inspection or copying of a public record, the District Public Records Officer shall refer it to the District Review Authority. The District Review Authority shall promptly review the matter and either affirm or reverse the denial. The final decision shall be rendered to the individual who requested the record within two business days after the review request.
3. In the event the request for the record or information from the record is made by an elected or appointed official of the District, the information is deemed to be needed for the proper performance of the official's duties and consent to the release of the information is required but cannot be obtained, the official shall be required to sign a confidentiality agreement before being allowed access to the requested information.
4. Administrative remedies shall not be considered exhausted until the District has returned the request with the decision or until a period of five business days has elapsed after the denial of the request or after the review of the initial denial.

6.8 Closing Withdrawn or Abandoned Requests

When the requester either withdraws the request, fails to timely clarify a request, fails to fulfill the obligation to timely inspect the records, or fails to pay the required amount due for requested copies, the Public Records Officer will close the request after thirty days and so inform the requester.

6.9 Later Discovered Documents

If, after the District has informed the requester that it has provided all available records, the District becomes aware of additional responsive documents existing at the time of the request, and it will promptly inform the requester of the additional document and provide the as soon as possible. However, a public records request is not continuing in nature. If a requester desires additional records created or obtained by the City after the date of the original request, the requester must submit a new request.

6.10 Completion of Request

The District's response to a request shall be deemed complete upon the requester's inspection of the records, or upon notification that copies of all the requested records are available for payment and delivery or pick up, or upon notification that records have been mailed or emailed, or upon notification that no responsive records were located.

6.11 No Duty to Create New Records

This policy does not require the District to answer written questions, summarize data or information, create new public records, or provide information in a format that is different from the original public records; however, the District may, at its discretion, create such new records to fulfill the request where the District deems that method of response more expedient.

6.12 Costs of Providing Copies of Public Records

The District has determined that performing a study to calculate the actual costs of providing records is unduly burdensome and the District will, therefore, charge fees to copy and provide public records not to exceed those permitted by RCW 42.56.120.

1. **There is no fee for inspection of public records, however the District does charge the following fees for copying and sending records to the requester:**
 - A) Copying is charged at fifteen cents (\$.15) per page, for paper copies, and ten cents (\$.10) per page, for scanned copies. If the amount of copies requested is 10 pages or less, the District will waive this fee. For example, a request for eleven pages of paper copies will cost \$1.65.
 - (a) Envelopes and/or packaging are charged at the actual costs of those supplies.
 - (b) Postage is charged at the actual postage costs.

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B) Electronic Records

If records are provided in electronic format, and the request exceeds ten pages, the District shall charge a fee of ten cents (\$.10) per page for hard copies scanned into an electronic format, and five cents for each four electronic files or attachments transmitted electronically and ten cents per gigabyte for transmitting electronic records. The District may also charge for the cost of the media on which the record is disclosed (CD, DVD, etc.).

C) Video and Audio Tapes

The District shall charge the actual cost it incurs in commercially duplicating audio or visual tape records.

D) Customized Service Charge

The District may impose a customized service charge for requests that require the use of IT expertise beyond the level that can be met by staff. In the event the Public Records Officer determines that IT expertise will be necessary to comply with the request, the Public Records Officer shall use the following procedures:

- (a) The Public Records Officer shall notify the requestor of the charge and shall provide an explanation of why the charge is necessary and shall provide a reasonable estimate of the charge. The requestor shall be provided an opportunity to amend the request to avoid the need for the charge.

E) Medical Incident Reports

In accordance with chapter 70.02 RCW the District is allowed to charge the rates established by the Department of Health (WAC 246-08-400). In lieu of the charges allowed by chapter 70.02 RCW and the rates established by the Department of Health (WAC 246-08-400), the District will charge the customary fees established in this policy.

F) Deposits and Installments

The District may require a deposit of up to 10% of the estimated cost of copying records prior to copying records for a requestor, RCW 42.56.120. If the District releases records on a partial or installment basis, it will charge for each part of the request as it is provided.

G) Fee Estimates

The District may, and shall when specifically requested, provide a summary of the estimated applicable charges prior to producing the records and shall allow the requestor to revise the request to reduce the applicable charges.

6.13 Record Request Log

The Public Records Officer shall maintain a log of public disclosure requests received by the District. The Log shall include the following minimum information.

1. Identity of requestor if available;
2. Date request received;
3. Text of original request together with any clarifications received;
4. Description or copy of records produced;
5. Description of any records withheld or redacted and the reasons supporting the withholding or redaction; and
6. The final disposition of the request.

6.14 Medical Records

Records containing individually identifiable health information regarding a District patient are subject to additional protections under chapter 70.02 RCW and HIPAA. Requests for medical records must be accompanied by the patient's consent or the requestor must identify the legal basis under which the District is authorized to release the record without patient consent. **To ensure compliance with the Health Insurance Portability and Accountability Act (HIPAA) medical records cannot be e-mailed; or faxed to an unsecured fax destination.**

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Statutory Provisions that may affect the disclosure of records

RCW 5.60.060	Attorney Client Privilege
RCW 5.60.070	Mediation records
RCW 10.52.100	Records identifying child victim of sexual assault
RCW 18.71.0195	Medical Disciplinary Reports
RCW 19.34.240(3)	Private digital signature keys
RCW 26.12.170	Reports of child abuse/neglect with courts
RCW 26.23	Domestic Relations –State Support Registry
RCW 26.44.010	Privacy of reports on child abuse and neglect
RCW 26.44.020(19)	Unfounded allegations of child abuse or neglect
RCW 26.44.030	Reports of child abuse/neglect
RCW 40.14	Preservation and destruction of public records
RCW 40.24	Address confidentiality for victims of domestic violence, sexual assault, and stalking.
RCW 42.23.070(4)	Municipal officer disclosure of confidential information prohibited
RCW 42.41.030(7)	Identity of local government whistleblower
RCW 42.41.045	Non-disclosure of protected information (whistleblower)
RCW 42.56.230(3)	Personal information in files on employees, appointees, or elected officials if disclosure would violate their right to privacy
RCW 42.56.250(1)	Test questions, scoring keys, and other exam information used on employment
RCW 42.56.250(2)	Applications for public employment, including names and resumes
RCW 42.56.250(3)	Address, phone nos., email address, SSNs, etc. of public employees or volunteers held by public agencies
RCW 43.43.830 - 840	Background Checks
RCW 48.62.101	Local government insurance transactions
RCW 49.17	Washington Industrial Safety and Health Act
RCW 50.13.060	Access to employment security records by local government
RCW 51.28.070	Worker’s compensation records
RCW 51.36.060	Physician information on injured workers
RCW 51.48.040	Inspection of Employer Records by L&I
RCW 70.24.105	HIV/STD records
RCW 70.96A.150	Alcohol and drug abuse treatment programs
RCW 71.05.390	Mental health records.
RCW 74.20.280	Child support enforcement
RCW 74.34.095	Abuse of vulnerable adults
RCW 82.32.330	Disclosure of tax information
42 USC 290dd-2	Confidentiality of Substance Abuse Records
42 USC Sec 12101 et. seq.	Americans with Disabilities Act
29 USC Sec 657 et seq.	Occupational Safety and Health Act

Most of the Federal or State agencies that administer the above acts have adopted regulations to implement the acts. The regulations must be reviewed together with the acts when reviewing record requests.



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REQUEST FOR PUBLIC RECORDS

Requesters please complete the form and submit to: Public Records Officer - King County Fire District 27 4301-334th PL SE, PO Box 609, Fall City, WA 98024 Fax: (425)222-4566 or Email: administration@king27fire.com			Date of Request: _____ Time of Request: _____		
Name			<i>RCW 42.56.070(9) prohibits the disclosure of lists of individuals for commercial purposes.</i> I declare under penalty of perjury under the laws of the State of Washington that I do not intend to use any list of individuals that may be covered by this request for commercial purposes.		
Organization					
Address					
City/St/Zip					
Phone			Signed:		
Email			Date:		
Description of Request: Please be specific of the records being requested. Use appropriate document title and date(s) if known.					
▪					
▪					
▪					
▪					
Select Records Request Options that apply:					
()	Inspection only (no charge).				
()	Standard Copies (\$.15 per page or \$.10 per page if scanned to electronic format).				
()	Other:				
For Office Use Only:					
1. () Request Approved () Request Withheld () Record Redacted () Date:					
2. If consent is needed, name of individual:					
3. If withheld or redacted provide exemption that authorizes the withholding of the record or part of record:					
4. If withheld or redacted, explain how the exemption applies to the record withheld:					
Public Records Officer Signature:					
Description	Qty		Cost		Amount
Standard Copies (8½" x 11½" or 8½"x14")	X		\$.15 ea	\$	
Standard Copies Scanned (8½" x 11½" or 8½"x14")	X		\$.10 ea	\$	
Other:	X			\$	
Other:	X			\$	
No fee for requests of 10 pages or less.				Postage/Shipping Fees	\$
				Total Amount Due	\$
Documents Received By:			Date:		



AUTHORIZATION TO USE OR DISCLOSE HEALTH INFORMATION

Patient name: _____ Date of birth: _____

Previous name(s): _____

I. Authorization:

You may use or disclose the following Health Information (check all that apply):

- All Health Information in my medical record;
- Health Information in my medical record relating to the following treatment or condition:

- Health Information in my medical record for the date(s): _____
- Other (e.g., X rays, bills), specify date(s): _____

You may use or disclose Health Information regarding testing, diagnosis, and treatment for (check all that apply):

- HIV (AIDS virus) Psychiatric disorders/mental health
- Sexually transmitted diseases Drug and/or alcohol use

You may disclose this Health Information to:

Name (or title) and organization: _____

Address: _____ City: _____ State: _____ Zip: _____

Reason(s) for this authorization (check all that apply):

- at my request
- other (specify) _____

Authorization Expiration: *(This Authorization does not permit disclosure of Health Information more than 90 days after the date it is signed.)*

- in 90 days from the date signed on (date): _____
- when the following event occurs: _____
(no longer than 90 days from date signed)

II. My Rights:

I understand I do not have to sign this authorization in order to receive health care. I may revoke this authorization in writing. If I do, it will not affect any actions already taken by the District based on this authorization. I may not be able to revoke this authorization if its purpose is to obtain insurance.

Two ways to revoke this authorization are:

- Fill out a revocation form. A form is available from the District, or
- Write a letter to the District

Once Health Information is disclosed, the person or organization that receives it may re-disclose it. Privacy laws may no longer protect it.

Patient or legally authorized individual signature

Date Time

Printed name if signed on behalf of the patient

Relationship (parent, legal guardian, personal representative)