

WAC 200-01-045 Processing of public records requests—Response.

(1) DES shall respond promptly to requests for records made under the Public Records Act. Within five business days of receiving a PRR, DES will log the request and assign the request a tracking number. The public records officer will evaluate the request according to the nature of the request, clarity, volume, and availability of requested records.

(2) Response. Following the initial evaluation of the request, and within five business days of receipt of the request, the public records officer will do one or more of the following:

(a) Make the requested records available for inspection or copying including:

(i) If copies are available on the DES website, provide an internet address and link on the website to specific records requested;

(ii) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor.

(b) Acknowledge receipt of the request and provide a reasonable estimate of when records or an installment of records will be available (the public records officer may revise the estimate of when records will be available); or

(c) Acknowledge receipt of the request and ask the requestor to clarify all or any part of the request that is unclear, and provide, to the greatest extent possible, a reasonable estimate of the time DES will require to respond to the unclear request or unclear part of a request if it is not clarified.

(i) Such clarification may be requested and provided by telephone and memorialized in writing, or by email or letter;

(ii) Clarification may include identifying a record with specificity sufficient for DES to locate or produce the record;

(iii) If the requestor fails to respond to a request for clarification and the entire request is unclear, DES need not respond to it. DES will respond to those portions of a request that are clear; or

(d) Deny the request.

(3) If requested records contain information that may affect rights of others and may be exempt from disclosure, then prior to providing the records, the public records officer may give notice to such others whose rights may be affected by the disclosure. When such notice is given, affected others at their option may contact the requestor and ask the requestor to revise the request. The affected others may, if necessary, seek a court order to prevent or limit the disclosure pursuant to RCW 42.56.540. The notice to all parties, to the affected others or to agencies will include a copy of the request.

(4) Additional time to respond. Additional time for the office to respond to a request may be based upon the need to clarify the request, locate and assemble the records requested, notify affected others or agencies affected by the request, or determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

(5) Exemptions. Public records may be exempt from disclosure, in whole or in part. If DES believes that a record is exempt from disclosure and should be withheld (in whole or in part) the public records officer will provide an exemption log which will identify the record, state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld.

If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and state within the exemption log the specific exemption and provide a brief explanation of why the portions of the record are exempt from disclosure.

(6) Communication encouraged. If the requestor has not received a response in writing or has questions or concerns regarding the records request, the requestor is encouraged to contact the public records officer.

(7) The public records officer will close a request and notify the requestor that DES has closed the request administratively under the following conditions:

(a) When the requestor withdraws the request;

(b) When the requestor fails to fulfill an obligation to inspect the records; or

(c) When the requestor fails to pay a deposit, partial payment, or final payment for the requested copies.

[Statutory Authority: RCW 42.56.120 and 34.05.353 (1)(a) to (f). WSR 21-09-043, § 200-01-045, filed 4/14/21, effective 5/15/21. Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-045, filed 12/22/11, effective 1/22/12.]