

# SENATE BILL REPORT

## SB 5249

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As of January 21, 2009

**Title:** An act relating to public records request responses.

**Brief Description:** Changing public records request provisions.

**Sponsors:** Senator Fairley.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 1/20/09.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Staff:** Edward Redmond (786-7471)

**Background:** The Public Records Act (PRA) requires that all state and local government agencies make all public records available for public inspection and copying unless the record, or information on the record, is specifically exempt from disclosure. A public record is any writing containing information relating to the conduct of government or the performance of any government or proprietary function prepared, owned, used, or retained by any state or local agency. The provisions requiring public records disclosure must be interpreted liberally and the exemptions narrowly in order to effectuate a general policy favoring disclosure.

The PRA requires agencies to respond to public records requests within five business days. The agency must either provide the records, provide a reasonable estimate of the time the agency will take to respond to this request, or deny the request. Additional time may be required to respond to a request where the agency needs to notify third parties or agencies affected by the request or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. The law treats a failure to properly respond as a denial. A denial of a public records request must be accompanied by a written statement of the specific reasons for denial.

**Summary of Bill:** Agencies may deny a public records request if the requesting party has an outstanding balance with an agency for unpaid charges for records previously provided.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill provides reasonable access to public records while ensuring that public agencies provide public records without taking on burdensome costs or unreasonably impacting the business of government. It costs school districts and other local government agencies a tremendous amount of staff time and resources to actually provide public records. We need to make sure record requests are not frivolous or overly burdensome.

CON: The problem is with agencies creating copies of documents that the requestor did not want. It should be included in the statute that an agency will not produce copies over a certain dollar amount without first obtaining explicit consent from the requestor. This would ensure that requestors are not surprised by the amount of the charge when picking up records, and it would also reduce the amount of copies being left unclaimed. The PRA allows citizens to inspect records for free. A person can walk into any government office and request to inspect records at no charge. People are not required to take copies of the records they inspect. This bill, therefore, does not change the problem of people requesting to inspect public records simply to harass an agency.

**Persons Testifying:** PRO: Ramsey Ramerman, attorney; Dan Steele, Washington State School Directors' Association; Victoria Lincoln, Association of Washington Cities.

CON: Greg Overstreet, attorney; Arthur West, citizen; Rowland Thompson, Allied Daily Newspaper.