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**SENATE BILL 5533**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Hobbs, Rivers, and Mullet

AN ACT Relating to charges for providing electronic data under the public records act; and amending RCW 42.56.120.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 42.56.120 and 2005 c 483 s 2 are each amended to read as follows:

(1) No fee shall be charged for the inspection of public records. No fee shall be charged for locating public documents and making them available for copying. A reasonable charge may be imposed for providing copies of public records and for the use by any person of agency equipment or equipment of the office of the secretary of the senate or the office of the chief clerk of the house of representatives to copy public records, which charges shall not exceed the amount necessary to reimburse the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives for its actual costs directly incident to such copying. Agency charges for photocopies shall be imposed in accordance with the actual per page cost or other costs established and published by the agency. In no event may an agency charge a per page cost greater than the actual per page cost as established and published by the agency. To the extent the agency has not determined the actual per page cost for photocopies of public records, the agency may not charge in excess of fifteen cents per page. An agency may require a deposit in an amount not to exceed ten percent of the estimated cost of providing copies for a request. If an agency makes a request available on a partial or installment basis, the agency may charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed, the agency is not obligated to fulfill the balance of the request.

(2)(a) As a result of the growing use of electronic documents, many individuals requesting public records request that a local government provide electronic copies of the documents in lieu of paper copies. In recognition of the trend towards electronic documents and recognition that there are costs associated with electronic copies, the legislature finds that it is appropriate to allow for a local government to charge a reasonable fee for electronic copies.

(b) A local government may not charge for the transmission of the first ten MB of electronic data for each individual request. Any transmission of electronic data after the first ten MB may be charged for at a rate of fifteen cents per one MB. A local government may require a deposit in an amount not to exceed ten percent of the estimated cost of providing electronic transmission for a request. If an agency makes an electronic transmission of a request on a partial or installment basis, the local government may charge for each part of the request as it is provided. If an installment of a records request is not paid for, the agency is not obligated to fulfill the balance of the request.

(3) The following are exempt from subsection (2) of this section: A requestor who is a representative of a newspaper, magazine or other periodical, book publisher, news agency, wire service, radio or television station or network, cable or satellite station or network, or audio or visual production company, or any entity that is in the regular business of news gathering and disseminating news or information to the public, where the request is made as part of news gathering and not for a different use.

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