

**WAC 44-14-04001 Introduction.** Both requestors and agencies have responsibilities under the act. The public records process can function properly only when both parties perform their respective responsibilities. An agency has a duty to promptly provide access to all nonexempt public records.<sup>1</sup> A requestor has a duty to give fair notice that he or she is making a records request, request identifiable records,<sup>2</sup> follow the agency's reasonable procedures, inspect the assembled records or pay for the copies, and be respectful to agency staff. Both the agency and the requestor have a responsibility to communicate with each other when issues arise concerning a request.<sup>3</sup>

Requestors should keep in mind that all agencies have essential functions in addition to providing public records. Agencies also have greatly differing resources. The act recognizes that agency public records procedures should prevent "excessive interference" with the other "essential functions" of the agency. RCW 42.56.100. Therefore, while providing public records is an essential function of an agency, it is not required to abandon its other, nonpublic records functions. Agencies without a full-time public records officer may assign staff part-time to fulfill records requests, provided the agency is providing the "fullest assistance" and the "most timely possible" action on the request. The proper level of staffing for public records requests will vary among agencies, considering the complexity and number of requests to that agency, agency resources, and the agency's other functions.

The burden of proof is on an agency to prove its estimate of time to provide a full response is "reasonable." RCW 42.56.550(2). An agency should be prepared to explain how it arrived at its estimate of time and why the estimate is reasonable.

Agencies are encouraged to use technology to provide public records more quickly and, if possible, less expensively. An agency is allowed, of course, to do more for the requestor than is required by the letter of the act. Doing so often saves the agency time and money in the long run, improves relations with the public, and prevents litigation. For example, agencies are encouraged to post many nonexempt records of broad public interest on the internet. This may result in fewer requests for public records. See chapter 69, Laws of 2010 (agencies encouraged to post frequently sought documents on the internet); RCW 43.105.351 (legislative intent that agencies prioritize making records widely available electronically to the public).

Notes: <sup>1</sup>RCW 42.56.070(1) (agency "shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions" listed in the act or other statute).

<sup>2</sup>See RCW 42.56.080 ("identifiable record" requirement); RCW 42.56.120 (claim or review requirement); RCW 42.56.100 (agency may prevent excessive interference with other essential agency functions).

<sup>3</sup>See *Hobbs v. State*, 183 Wn. App. 925, 335 P.3d 1004 (2014) (Court of Appeals encouraged requestors to communicate with agencies about issues related to their PRA requests) and WAC 44-14-04003(3). ("Communication is usually the key to a smooth public records process for both requestors and agencies.")

[Statutory Authority: RCW 42.56.570. WSR 18-06-051, § 44-14-04001, filed 3/2/18, effective 4/2/18. Statutory Authority: 2005 c 483 § 4, RCW 42.17.348. WSR 06-04-079, § 44-14-04001, filed 1/31/06, effective 3/3/06.]