

WAC 390-14-040 What happens if my public records request is denied? (1) If you object to the denial of all or part of your request for a public record you may petition the commission chair for prompt review of such decision by submitting a written request for review to the public records officer. Your request for review must be in writing and address the specific reasons given by the agency when it denied your original public records request. Because of the risk of misunderstandings in oral communications, the commission will not consider an oral request for review.

(2) The public records officer will immediately refer your written request for review of a decision denying a public record to the chair of the commission or the chair's designee. The chair or chair's designee will immediately consider the matter and either affirm or reverse, in whole or in part, such denial or call a special meeting of the commission as soon as legally possible to review the denial. In any case, the agency will provide you with a final decision within two business days following your petition for review of the original denial in accordance with RCW 42.56.520 unless you and the agency agree to a longer time period for this review.

(3) The agency may also consider, and you are encouraged to consider, using alternative dispute resolution mechanisms to address the issues in your request for review.

(4) If the agency denies you access to public records because it claims the record is exempt in whole or in part from disclosure, you may request the attorney general's office to review the matter under RCW 42.56.530. See WAC 44-06-160.

(5) You may seek court review of a denial of a public records request under RCW 42.56.550 beginning two business days after the agency initially denies your request, regardless of any internal administrative appeal.

[Statutory Authority: RCW 42.56.100, 42.56.040, and 42.17A.110. WSR 12-18-015, § 390-14-040, filed 8/24/12, effective 9/24/12. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-14-040, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370(1). WSR 99-12-062, § 390-14-040, filed 5/27/99, effective 6/27/99. Statutory Authority: RCW 42.17.390. WSR 94-05-010, § 390-14-040, filed 2/3/94, effective 3/6/94. Statutory Authority: RCW 42.17.370(1). WSR 85-15-020 (Order 85-03), § 390-14-040, filed 7/9/85; Order 62, § 390-14-040, filed 8/26/75.]