

WAC 446-10-080 Processing of requests for public records. (1) **Providing "fullest assistance."** The Washington state patrol is charged by statute with adopting rules which provide for how it shall "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records officer or designee shall process requests in the order they are received and allowing for the most requests to be processed in the most efficient manner.

(2) **Acknowledging receipt of request.** Within five business days of receipt of the request, the public records officer or designee shall do one or more of the following:

- (a) Make the records available for inspection;
- (b) Provide the requested records (or provide a bill for the records if applicable) to the requestor;
- (c) Provide a reasonable estimate of when records shall be available; or
- (d) Deny the request, and providing a statutory explanation as to the reason for the denial.

(3) **Consequences of failure to respond.** If the Washington state patrol does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.

(4) **Protecting rights of others.** In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer or designee may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. This notice is given so affected persons may seek an order from a court to prevent or limit the disclosure. The notice to the affected persons may include a copy of the request.

(5) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the Washington state patrol believes that a record is exempt from disclosure and should be withheld, the public records officer or designee shall 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 or designee shall redact the exempt portions, provide the non-exempt portions, and indicate to the requestor why portions of the record are being redacted.

(6) **Inspection of records.**

(a) Consistent with other demands, the Washington state patrol shall provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document without approval from the public records officer or designee. The requestor shall indicate which documents he or she wishes the agency to copy.

(b) The requestor must claim or review the assembled records within thirty days of the Washington state patrol's notification to him or her that the records are available for inspection or copying. The agency shall notify the requestor in writing of this requirement and inform the requestor that he or she is to contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records

within the thirty-day period or make other arrangements, the Washington state patrol may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which may be processed as a new request.

(7) **Providing copies of records.** After inspection is complete or in lieu of inspection, the public records officer or designee shall make the requested copies or arrange for copying and provide them to the requestor.

(8) **Providing records in installments.** When the request is for a large number of records, the public records officer or designee may provide access for inspection and copying in installments, if he or she reasonably determines that it would be more practical to provide the records in that way. If, within thirty days, the requestor fails to inspect one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(9) **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee shall indicate that the Washington state patrol has completed the request and provided all available (nonexempt) records.

(10) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer shall close the request and indicate to the requestor that the Washington state patrol has closed the request.

(11) **Later discovered documents.** If, after the Washington state patrol has informed the requestor that it has provided all available records, the Washington state patrol becomes aware of additional responsive documents existing at the time of the request, it shall promptly inform the requestor of the additional documents and provide them on an expedited basis.

[Statutory Authority: RCW 42.56.040 through 46.56.570 [42.56.570]. WSR 07-04-039, § 446-10-080, filed 1/30/07, effective 3/2/07. Statutory Authority: RCW 42.17.250. WSR 79-04-037 (Order 79-2), § 446-10-080, filed 3/23/79.]