

WAC 44-14-01002 Requirement that agencies adopt reasonable regulations for public records requests. The act provides that state agencies are to publish a rule in the Washington Administrative Code (WAC) and local agencies are to make publicly available at the central office guidance for the public that includes where the public may obtain information and make submittals and requests. RCW 42.56.040.

The act provides: "Agencies shall adopt and enforce reasonable rules and regulations... to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency... Such rules and regulations shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information." RCW 42.56.100. Therefore, an agency must adopt "reasonable" regulations providing for the "fullest assistance" to requestors and the "most timely possible action on requests."¹

At the same time, an agency's regulations must "protect public records from damage or disorganization" and "prevent excessive interference" with other essential agency functions. Another provision of the act states that providing public records should not "unreasonably disrupt the operations of the agency." RCW 42.56.080. This provision allows an agency to take reasonable precautions to prevent a requestor from being unreasonably disruptive or disrespectful to agency staff.

The courts have held that the act requires strict compliance with its procedural provisions, but also that reasonable procedures will be sustained.²

Notes: ¹*Andrews v. Washington State Patrol*, 183 Wn. App. 644, 334 P.3d 94 (2014) (Court of Appeals recognized that agencies must provide fullest assistance to requestors, but also that "a flexible approach" that focuses on the thoroughness and diligence of an agency's response is most consistent with the concept of "fullest assistance.")

²*Zink v. City of Mesa*, 140 Wn. App. 328, 166 P.3d 738 (2007); *Parmelee v. Clarke*, 148 Wn. App. 748, 201 P.3d 1022 (2008).

[Statutory Authority: RCW 42.56.570. WSR 18-06-051, § 44-14-01002, filed 3/2/18, effective 4/2/18. Statutory Authority: 2005 c 483 § 4, RCW 42.17.348. WSR 06-04-079, § 44-14-01002, filed 1/31/06, effective 3/3/06.]