

WAC 446-10-090 Costs for providing copies of public records.

(1) The following copy fees and payment procedures apply to requests to the agency under chapter 42.56 RCW.

(2) **Actual costs.** Pursuant to RCW 42.56.120 (2)(b), the agency is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons:

(a) The agency does not have the resources to conduct a study to determine all its actual copying costs;

(b) To conduct such a study would interfere with other essential agency functions; and

(c) Through the 2017 legislative process, the public and requestors have commented on and been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120 (2)(b) and (c), (3) and (4).

(3) **Costs for paper copies.** There is no fee charged for inspecting public records. The agency will charge for copies of paper records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). A requestor may obtain standard black and white photocopies for fifteen cents per page.

(a) Before beginning to make copies, the public records officer or designee may estimate costs of copying the records, and may require a deposit of up to ten percent of all the records selected by the requestor.

(b) The public records officer or designee may require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment.

(c) The Washington state patrol shall not charge sales tax when it makes copies of public records.

(4) **Costs for electronic records.** Electronic copies of records shall be charged as follows pursuant to RCW 42.56.120 (2)(b) and (c):

(a) Ten cents per page for scanned records or for use of agency equipment for scanning.

(b) Five cents for each four electronic files or attachments uploaded to email, or cloud-based data storage service, or other means of electronic delivery.

(c) Ten cents per gigabyte for records transmitted in an electronic format or for use of agency equipment to send records electronically.

(d) Actual costs of any digital storage media or devices provided by the agency.

(e) Actual costs of a "customized service charge" when the request would require the use of information technology expertise to prepare data compilations or when such customized access services are not used by the agency for other business purposes.

(i) The agency will notify the requestor and take other steps if it will be doing a customized service charge.

(ii) The public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment.

(iii) Copy charges may be combined to the extent more than one type of charge applies to copies responsive to a particular request.

(iv) Public records request fees do not supersede other statutory provisions for copying fees.

(5) **Costs of mailing.** The Washington state patrol may also charge actual costs of mailing, including the cost of the shipping container.

(6) **Payment.** Payment shall be made payable to the Washington state patrol.

(7) **Summary of charges.** Upon request the Washington state patrol will provide a summary of the applicable charges before copies are made and the requestor may revise the request to reduce the number of copies, thereby reducing the applicable charges.

(8) **Waiver of charges [reserved].** It is within the discretion of the public records officer or designee to waive copying fees when:

(a) All of the records responsive to an entire request are paper copies only and are twenty-five or fewer pages; or

(b) All of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of one hundred printed pages. If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requestor will be charged in accordance with this section.

[Statutory Authority: RCW 42.56.120 (2)(b) and (c). WSR 18-03-058, § 446-10-090, filed 1/10/18, effective 2/10/18. Statutory Authority: RCW 42.56.040 through 46.56.570 [42.56.570]. WSR 07-04-039, § 446-10-090, filed 1/30/07, effective 3/2/07. Statutory Authority: RCW 42.17.250 and 42.17.300. WSR 97-01-018, § 446-10-090, filed 12/9/96, effective 1/9/97. Statutory Authority: RCW 42.17.250. WSR 90-10-097, § 446-10-090, filed 5/2/90, effective 6/2/90; WSR 79-04-037 (Order 79-2), § 446-10-090, filed 3/23/79.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.