

WAC 16-06-185 Availability of public records. (1) All the department's public records are available for disclosure except as otherwise provided by chapter 42.56 RCW or any other law. Many records are available on the department's web site at: <http://agr.wa.gov>. Requestors are encouraged to view the records available on the web site prior to submitting a records request.

(2) The department will respond promptly to requests for disclosure. Email requests will be handled in the same manner as other types of mail received by the department. Public records requests received by email after regular business hours will be considered received on the next business day. Within five business days of receiving a public records request, the department will respond by doing one or more of the following:

(a) Make the records available for inspection or copying;

(b) Send the copies to the requestor if copies are requested and payment of a deposit for the copies is made or terms of payment have been agreed upon;

(c) Provide a reasonable estimate of when records will be available;

(d) Request clarification from the requestor if the request is unclear or does not sufficiently identify the requested records. Clarification may be requested and provided by telephone; or

(e) Deny the public records request.

(3) The public records officer may revise the estimate of when records will be available when it is necessary to clarify the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt from disclosure.

(4)(a) Some records are exempt from disclosure, in whole or in part. If the department believes that a record is exempt from disclosure and should be withheld, the department will provide a written statement of the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld.

(b) If only a portion of a record is exempt from disclosure, the department will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the records are being redacted.

(5) In the event the requested records name a specific person or pertain to a specific person and may be exempt from disclosure, the department may, prior to providing the records, give notice to others whose rights may be affected by the disclosure. Sufficient notice will be given to allow affected persons to seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(6)(a) The public records officer may provide access for inspection and copying of records in installments when the request is for a large number of records.

(b) The public records officer may stop searching for the remaining records and close the request if within thirty days the requestor fails to claim or inspect records in one or more of the installments.

(c) The department has the discretion to determine the order in which it responds to requests for public records based on staff and resource availability, the size of the request, and the ease in locating or duplicating the records requested.

(7) The public records officer will close the request and indicate to the requestor that the department has closed the request when the requestor:

- (a) Withdraws the request;
- (b) Fails to provide clarification when requested by the department;
- (c) Fails to fulfill obligations to inspect the records; or
- (d) Fails to pay the deposit or pay the final payment for the requested copies.

(8) If, after the department has informed the requestor that it has provided all available records, the department becomes aware of additional responsive records existing at the time of the request, it will promptly inform the requestor of the additional records and provide them on an expedited basis.

[Statutory Authority: Chapters 34.05, 42.56, and 43.23 RCW. WSR 09-03-032, § 16-06-185, filed 1/12/09, effective 2/12/09. Statutory Authority: Chapters 42.17 and 43.23 RCW. WSR 96-14-086, § 16-06-185, filed 7/2/96, effective 8/2/96.]