

**WAC 208-12-090 Fees—Payments.** (1) Copy fees and payment procedures apply to requests to the department under chapter 42.56 RCW received by the department on or after the effective date of these rules.

(2) The department finds that it would be unduly burdensome to calculate the actual costs of providing public records to requestors for the following reasons:

(a) The scope of requests and staff time required to provide records varies widely depending on numerous factors;

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

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

(d) 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) In order to timely implement a fee schedule consistent with the Public Records Act, it is more cost efficient, expeditious, and in the public interest for the department to adopt the state legislature's approved fees and costs for the department's records, as authorized in RCW 42.56.120 and as published in the agency's fee schedule.

(4) The department will charge for copies of records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). The department will charge for customized services pursuant to RCW 42.56.120(3). Under RCW 42.56.130, the department may charge other copy fees authorized by statutes outside of chapter 42.56 RCW. The department may enter into an alternative fee agreement with a requestor under RCW 42.56.120(4). The charges for copying methods used by the department are summarized in the following fee schedule. Charges may be combined to the extent that more than one type of charge applies to copies produced in response to a particular request.

<b>Public Records Fee Schedule</b>	
<b>Charge:</b>	<b>Record Type:</b>
15 cents/ page	Photocopies, printed copies of electronic records when requested by the requestor, or for the use of agency equipment to photocopy public records.
10 cents/ page	Records scanned into an electronic format or for the use of agency equipment to scan the records.
5 cents for each 4 electronic files or attachments	Records uploaded to email, cloud-based data storage service, or other means of electronic delivery.
10 cents/ gigabyte	Records transmitted in an electronic format or for the use of agency equipment to send the records electronically.
Actual cost	Digital storage media or device; any container or envelope used to mail copies; and postage or delivery charges.

Actual cost	A customized service charge, in addition to the charges set forth above, if the department estimates that the request would require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the agency for other agency purposes.
<b>Alternative Fee</b>	
Up to \$2 flat fee	As an alternative to the charges set forth above, the department may charge a flat fee of up to \$2 when the department estimates that the costs are clearly equal to more than \$2.

(5) Fee waivers are an exception and are available for some small requests under the following conditions:

(a) It is within the discretion of the public records officer to waive copying fees when:

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

(ii) 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 rule.

(b) Fee waivers are not applicable to records provided in installments unless approved by the director.

(6) The department may require an advance deposit of ten percent of the estimated fees when the copying fees for an installment or an entire request, or customized service charge, exceeds twenty-five dollars.

(7) All required fees and deposits must be paid in advance of release of copies or an installment of copies. Payment will be due within thirty days of notice of the amount due. The department will notify the requestor of when payment is due.

(8) Payment should be delivered to the department by check or money order payable to the Washington state treasurer. The department prefers not to receive cash. For cash payments, it is within the public records officer's discretion to determine the denomination of bills and coins that will be accepted. The department may provide a system that accepts certain forms of electronic payment.

(9) The department will close a request when a requestor fails by the payment date to pay in the manner prescribed by this section.

(10) Upon request, the department will provide a summary of applicable charges before any copies are made. The requestor may revise the request to reduce the number of copies to be made to reduce the charges.

[Statutory Authority: RCW 43.320.040, 42.56.040, 42.56.100, and 42.56.120. WSR 18-13-104, § 208-12-090, filed 6/19/18, effective 8/1/18. Statutory Authority: RCW 43.320.040 and 42.17.250. WSR 96-14-082, § 208-12-090, filed 7/1/96, effective 8/1/96.]