

WAC 200-01-065 Processing public records requests—Electronic records. (1) The process for requesting electronic public records is the same as for requesting paper public records.

(2) When a requestor requests records in an electronic format, the public records officer will provide available nonexempt electronic public records or portions of such records that are reasonably locatable in an electronic format used by the agency and that is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record, or as otherwise agreed to between the requestor and the public disclosure officer.

(3) Whenever possible, DES will provide records in electronic format. If DES has only a paper copy of the record, the public records officer, when feasible, may scan the paper record and provide the resulting electronic copy to the requestor subject to any cost as provided for in WAC 200-01-075. If DES maintains the record in electronic format, the record will be provided in the maintained electronic format unless the requestor specifically asks to receive the record in paper copies or it is otherwise not feasible to provide the record in electronic format.

(4) If a record exists on a web page, DES will respond to a request for the record by providing the link to the record on the web page.

(5) Closing withdrawn or abandoned request. The public records officer will close a request when the requestor:

- (a) Withdraws the request;
- (b) Fails to clarify an entirely unclear request;
- (c) Fails to fulfill an obligation to inspect the records;
- (d) Fails to pay a deposit;
- (e) Fails to pay required fees for an installment;
- (f) Fails to claim an installment;
- (g) Fails to make final payment for the requested copies.

The public records officer will notify the requestor that DES has closed the request.

(6) Later discovered documents. If, after DES has informed the requestor that it has provided all available records, DES discovers additional responsive documents that existed at the time of the request, DES will promptly inform the requestor of the newly discovered additional documents and provide them on an expedited basis.

(7) DES is not required to create a record that does not otherwise exist.

(8) Costs for providing electronic records as provided in this section are governed by WAC 200-01-075.

[Statutory Authority: RCW 42.56.120 and 34.05.353 (1)(a) to (f). WSR 21-09-043, § 200-01-065, filed 4/14/21, effective 5/15/21. Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-065, filed 12/22/11, effective 1/22/12.]