

WAC 44-14-03004 Organization of records. An agency must "protect public records from damage or disorganization." RCW 42.56.100. The secretary of state provides extensive guidance and resources on organizing, inventorying and managing records. See <https://www.sos.wa.gov/archives/recordsmanagement/>.

An agency owns public records (subject to the public's right, as defined in the act, to inspect or copy nonexempt records) and must maintain custody of them. RCW 40.14.020; chapter 434-615 WAC. An agency's information "must be managed with great care to meet the objectives of citizens and their governments." RCW 43.105.351.¹ Therefore, an agency should not allow a requestor to take original agency records out of the agency's office, or alter or damage an original record. An agency may send original records to a reputable commercial copying center to fulfill a records request if the agency takes reasonable precautions to protect the records. See WAC 44-14-07001(5).²

The legislature encourages agencies to electronically store and provide public records:

Broad public access to state and local government records and information has potential for expanding citizen access to that information and for providing government services. Electronic methods of locating and transferring information can improve linkages between and among citizens, organizations, business, and governments. Information must be managed with great care to meet the objectives of citizens and their governments.

It is the intent of the legislature to encourage state and local governments to develop, store, and manage their public records and information in electronic formats to meet their missions and objectives. Further, it is the intent of the legislature for state and local governments to set priorities for making public records widely available electronically to the public.

RCW 43.105.351. An agency could fulfill its obligation to provide "access" to a public record by providing a requestor with a link to an agency website containing an electronic copy of that record. RCW 42.56.520. Agencies are encouraged to do so, and requestors are encouraged to access records posted online in order to preserve taxpayer resources.³ For those requestors without access to the internet, an agency is to provide copies or allow the requestor to view copies using an agency computer terminal at its office. RCW 42.56.520.

Notes:

¹See also WAC 44-14-03001 (agency public records on nonagency devices or in nonagency accounts).

²See also *Benton County v. Zink*, 191 Wn. App. 269, 361 P.3d 801 (2015) (agency can send records to outside vendor for copying).

³See legislative findings in chapter 69, Laws of 2010 ("The internet provides for instant access to public records at a significantly reduced cost to the agency and the public. Agencies are encouraged to make commonly requested records available on agency websites. When an agency has made records available on its website, members of the public with computer access should be encouraged to preserve taxpayer resources by accessing those records online.")

[Statutory Authority: RCW 42.56.570. WSR 18-06-051, § 44-14-03004, filed 3/2/18, effective 4/2/18. Statutory Authority: 2005 c 483 § 4, RCW 42.17.348. WSR 06-04-079, § 44-14-03004, filed 1/31/06, effective 3/3/06.]