

SENATE BILL REPORT

SB 6543

As of February 5, 2020

Title: An act relating to penalties against agencies which subsequently discover and produce additional responsive records after the close of an initial public records production.

Brief Description: Concerning penalties against agencies which subsequently discover and produce additional responsive records after the close of an initial public records production.

Sponsors: Senators Short, Hunt and Wilson, L.

Brief History:

Committee Activity: State Government, Tribal Relations & Elections: 2/07/20.

Brief Summary of Bill

- Prohibits assessment of penalties against a public agency which, within 15 days after the close of production of records in response to a request, discovers and produces additional records to the requestor.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Staff: Samuel Brown (786-7470)

Background: Public Records Act. The Public Records Act (PRA), enacted in 1972 as part of Initiative 276, requires that all state and local government agencies make all public records available for public inspection and copying unless certain statutory exemptions apply. Over 500 specific references in the PRA or other statutes remove certain information from application of the PRA, provide exceptions to the public disclosure and copying of certain information, or designate certain information as confidential. The provisions requiring public records disclosure must be interpreted liberally while the exemptions are interpreted narrowly to effectuate the general policy favoring disclosure.

Public Records Request Responses. Agencies must respond to a records request within five business days by providing the record, denying the request, providing an estimate of when the records will be available, asking the requester to clarify what information the requester is seeking, or providing an electronic link to records. If an agency denies a request for records,

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

the denial must be accompanied by a statement explaining the denial. Agencies must establish procedures for reviewing denials of inspection, which must be completed within two business days following the denial.

Any person denied access to a record or who believes an agency has made an unreasonable estimate of the time needed to produce a record may bring suit in superior court against the agency to show cause why the record was denied. If the person prevails, the court has the discretion to award up to \$100 per day per record for each day the person was wrongfully denied access to records.

Summary of Bill: No penalties may be assessed against an agency which, within 15 days after the close of production of records in response to a request, discovers and produces additional records to the requestor. Agency reviews of a denial of records must be completed within five business days.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.