

WAC 296-06-120 Copying fees. Under RCW 42.56.120(2), the department may charge the requestor a fee for reimbursement of costs directly related to the copying of public records. If the department delivers copies of records request on a partial or installment basis, it may charge for each part of the request as it is provided. The agency is not allowed to make a profit from copy fees.

(1) There is no fee for locating or preparing records for inspection or copying.

(2) The department does not charge fees for a person to inspect or access records on the agency's public internet web site.

(a) The department will provide space to inspect public records.

(b) The department will notify the requestor in writing that the records are available to inspect. Within twenty days after the department sends notification, the requestor must make arrangements with the department to inspect the records.

(c) After inspection, the requestor must identify which records he or she wishes the department to copy.

(d) Depending on staff availability and the volume of records requested, the department may determine the actual cost of the records requested and provide an invoice to the requestor at that time or provide the invoice at a later date.

(e) Once payment has been made, staff will copy the requested records and provide them to the requestor.

(f) When the inspection is complete and all requested copies are provided, the department will send notification to the requestor that the request is closed.

(3)(a) Fee waivers are an exception and are granted within the discretion of the public records officer. Copying fees will be waived when the requestor or their representative requests a copy of their own individual case file, or an employer or its representative requests a copy of the case file for an employee/claimant including, but not limited to, safety and health inspection files, wage and hour investigation files, construction compliance investigation files, employer audits, or provider investigation files and no other records. Additional records may be subject to the appropriate fees.

(b) If the department waives fees for an installment, the waiver may not apply to other installments of the request.

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

(5) Requestors must pay fees in advance of the release of the copies, or an installment of copies, or in advance when a deposit is required. The department will notify the requestor of the amount owed and the date payment is due.

(6) If payment of fees is required, the department will send notification to the requestor. Within thirty days after the department sends notification, the requestor must pay the fee or make other arrangements with the department. The request will be closed if the fees are not paid by the due date or other arrangements made within the thirty days.

(7) If an outside vendor is used the department may charge the vendors actual costs to copy records. The department may use an outside vendor if they can make copies more quickly and less expensively than the agency.

(8) The department conducted a study to determine the actual costs associated with copying, scanning, and delivering records and the guidelines to appropriately assess the fees.

**Labor and Industries Public
Records Copy Fee Schedule**

| Cost Item | Manner Used to Determine Costs |
|--|---|
| Inspection | |
| No fee | Inspection of agency records on agency public internet web site or scheduled at agency. |
| No fee | Accessing or downloading records the agency routinely posts on its public internet web site, unless the requestor asks the agency for records to be provided through other means (the following copy charges below then apply). |
| Copies | |
| \$.44 per minute | Photocopies, printed copies of electronic records when requested by the requestor, or for the use of agency equipment to make photocopies. Fees are determined by charging the per minute rate of the salary and benefits for a forms and records analyst 3 (FRA3) (FY18). |
| \$.02 per page | Scanned records, or use of agency equipment for scanning. Fees are determined by charging the per minute rate of the salary and benefits for an office assistant 3 (OA3) (FY18). |
| Actual cost | Vendor copying/scanning costs. |
| \$.44 per minute | Convert electronic records into PDF and sanitize as needed for redactions. Fees are determined by charging the per minute rate of the salary and benefits for an FRA3 (FY18). |
| \$.44 per minute | Copying electronic records to media/storage/etc. Fees are determined by charging the per minute rate of the salary and benefits for an FRA3 (FY18). |
| \$.16 per compact disc (CD) \$.30 per digital video disc (DVD) | Disc and disc sleeve. |
| Actual costs | Flash drives and other formats. \$12.61 (8GB flash drive). |
| Actual cost (based on weight) | Postage, including the department of enterprise services (DES) consolidated mail service (CMS) metering fees. |
| \$.04 small CD/DVD envelope \$.09 manila envelope (6"x9") \$.30 bubble envelope (7"x9.5") \$.04 CD sleeve | Mailing materials. |
| Customized Service: | |
| Actual cost | Data compilations prepared or accessed as a customized service (cost is in addition to copying and delivery fees). |

[Statutory Authority: RCW 42.56.120. WSR 18-10-081, § 296-06-120, filed 5/1/18, effective 6/1/18. Statutory Authority: RCW 42.17.260 (7) and (8), 42.17.270, 42.17.280, 42.17.290, 42.17.300, 42.17.305, and

2005 c 483. WSR 05-13-151, § 296-06-120, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4) and 51.04.030. WSR 90-07-004, § 296-06-120, filed 3/9/90, effective 4/9/90. Statutory Authority: RCW 18.27.040, 42.17.290 and 42.17.300. WSR 82-18-026 (Order 82-26), § 296-06-120, filed 8/25/82; Order 76-27, § 296-06-120, filed 9/28/76; Order 73-12, § 296-06-120, filed 7/31/73.]