

WAC 468-06-080 Processing public records requests. (1) Initial response. The department will provide a written response within five business days of receiving a request for public records. A business day is 8:00 a.m. to 5:00 p.m., Monday through Friday, exclusive of legal holidays. Legal holidays are prescribed in RCW 1.16.050. Requests received on a Saturday, Sunday, or a legal holiday, or after 5:00 p.m. on a business day, will be deemed received on the next day which is neither a Saturday, Sunday, nor a legal holiday.

An initial written response may:

(a) Acknowledge receipt of the request and provide a reasonable estimate of the time it will take to respond.

(i) Time estimates are based on many issues including the complexity of the request, clarity of the request, number of documents, location of documents, determining if records are exempt, redaction requirements, third-party involvement, and court processes.

(ii) The department may extend time estimates when circumstances warrant.

(b) Provide the requestor the records.

(c) Ask for a better description of an unclear request.

(d) Provide part of the records and deny another part.

(e) Deny the request.

(2) Inspection requests. The department will notify the requestor in writing when nonexempt records are ready for inspection. The requestor must schedule an appointment to inspect the records. A department staff person will remain with all public records during inspection. Reviewing time may be limited so as to avoid undue disruption to department business. Records are generally available for inspection and copying during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

(3) Paper requests. The department, upon payment of fees, if any, will send paper copies of nonexempt records to the requestor.

(4) Electronic requests. The department, upon payment of fees, if any, may scan records or copy nonexempt electronic records to a CD-ROM or DVD, send via email, or post online for download.

(5) Installments. The department may provide records for inspection or copying in installments.

(6) Exemptions. When the department determines that a record is exempt from disclosure, either partially or entirely, the department will notify the requestor in writing. The notification will list each exempt record or portion thereof, the law that allows the exemption, and a brief explanation. The department will withhold the record entirely or will redact exempt portions and provide the nonexempt portions of the records. Exemptions are set out in chapter 42.56 RCW and any other applicable law.

(7) Court protection of records. The department may provide written notification to a department employee, a person, or a business named in a requested record or to whom a record specifically pertains and whose rights may be affected by the release of the record. The department's written notification may:

(a) Identify the records requested and include the name and location of the requestor, when known.

(b) Advise the employee, person, or business that they may seek a court injunction in superior court in accordance with RCW 42.56.540.

(c) Inform the employee, person, or business of the date that the department will disclose the record to the requestor unless the employee, person, or business provides the department with a court order enjoining such disclosure.

(8) Review of denial of request.

(a) Petition for internal administrative review of denial of access. Any requestor who objects to the initial denial or partial denial of a records request may petition in writing to the department for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the department denying the request.

(b) Consideration of petition for review. The department will consider the petition and either affirm or reverse the denial within ten business days following receipt of the petition, or within such other time as the department and the requestor mutually agree to.

(c) Review by the attorney general's office. Pursuant to RCW 42.56.530, if the department denies a requestor access to a public record because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office review the matter.

(d) Judicial review. Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

(9) Closing request. The department will inform the requestor in writing and close the request when:

(a) The inspection of records is complete;

(b) All reasonably identifiable responsive nonexempt records have been provided; or

(c) The requestor fails to fulfill his or her obligations to inspect, download, or pay any required fee for the records.

[Statutory Authority: Chapter 42.56 RCW. WSR 15-24-130, § 468-06-080, filed 12/2/15, effective 1/2/16. Statutory Authority: Chapters 42.17, 42.56 RCW. WSR 08-16-030, § 468-06-080, filed 7/29/08, effective 8/29/08. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-080, filed 12/20/78. Formerly WAC 252-03-070.]