

WAC 388-01-130 What are a requester's options if DSHS denies a public record request? (1) After DSHS takes final action to deny all or a portion of a public record request, a requester may do any one or more of the following:

(a) Petition for agency review by the denying public records coordinator or an approved designee. The written request must specifically refer to the written statement by the public records coordinator that constituted or accompanied the denial.

(b) Ask the office of the attorney general to review the public record request.

(i) Send a copy of the denied public record request and the DSHS written denial to:

Office of the attorney general
Public records review
P.O. Box 40100
Olympia WA 98504-0100.

(ii) The office of the attorney general will review the request and DSHS denial. The office of the attorney general issues a written opinion as to whether the requested public record is excluded from disclosure.

(c) File a lawsuit for judicial review under the Public Records Act in superior court in the county where the public record is located.

(2) "Final action" occurs when DSHS indicates that it will not provide responsive records. When DSHS produces installments of records, final action occurs when DSHS produces its last installment or indicates that it will not reconsider a denial. Before DSHS produces its last installment, DSHS may cure deficiencies within prior installments. DSHS encourages requesters to contact the public records coordinator with questions or concerns about installments prior to final action.

[Statutory Authority: RCW 42.56.040. WSR 23-19-028, § 388-01-130, filed 9/12/23, effective 10/13/23; WSR 18-05-021, § 388-01-130, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 42.17.250 and 34.05.220. WSR 99-15-065, § 388-01-130, filed 7/19/99, effective 8/19/99.]