

WSR 21-09-043  
PERMANENT RULES  
DEPARTMENT OF  
ENTERPRISE SERVICES

[Filed April 14, 2021, 2:47 p.m., effective May 15, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The changes clarify the language of rule WAC 200-01-075 without changing its effect. Additional changes update descriptions of the department to align with its current structure and organization.

Citation of Rules Affected by this Order: Repealing WAC 200-01-025 and 200-01-035; and amending WAC 200-01-010, 200-01-015, 200-01-020, 200-01-030, 200-01-040, 200-01-045, 200-01-050, 200-01-055, 200-01-065, 200-01-070, 200-01-075, and 200-01-090.

Statutory Authority for Adoption: RCW 42.56.120.

Other Authority: RCW 34.05.353 provides that an agency may file notice for expedited rule making when rules meet any one of the following criteria; RCW 34.05.353 (1) (a) to (f).

Adopted under notice filed as WSR 20-24-124 [20-20-124] on October 6, 2020.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 12, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 12, Repealed 2.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 24, 2021.

Chris Liu  
Director

**OTS-1940.3**

AMENDATORY SECTION (Amending WSR 12-02-004, filed 12/22/11, effective 1/22/12)

**WAC 200-01-010 Purpose.** ~~((The purpose of this chapter is to provide rules for the department of enterprise services to implement the provisions of chapter 42.56 RCW relating to public records and to ensure compliance with that chapter.))~~ (1) These rules establish the procedures DES will follow in order to provide full access to public records.

These rules (a) provide information to persons wishing to request DES public records and (b) establish processes for both requestors and DES staff to fully assist the public in obtaining such access.

(2) In carrying out its public records responsibilities DES will be guided by the provisions of chapter 42.56 RCW, Public Records Act.

[Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-010, filed 12/22/11, effective 1/22/12.]

AMENDATORY SECTION (Amending WSR 12-02-004, filed 12/22/11, effective 1/22/12)

**WAC 200-01-015 Definitions.** The definitions set forth in RCW 42.56.010 apply throughout this chapter. In addition, the definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial purposes" means a business activity by any form of business enterprise intended to generate revenue or financial benefit.

(2) "Customary business hours" refers to Olympia administrative office hours which are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays and days DES is closed.

(3) "Days" means calendar days unless otherwise stated.

~~((2))~~ (4) "DES" or "department" means the department of enterprise services established in chapter ~~(43, Laws of 2011)~~ 43.19 RCW. Where appropriate, DES or agency also refers to the staff and employees of the department of enterprise services.

~~((3))~~ (5) "Director" means the director of the department of enterprise services.

~~((4))~~ (6) "Electronic format" or "electronic records" or "electronic records format" refer to digital records as distinct from paper; examples include email, Word or Excel documents, PDF or media files.

(7) "Page" means one impression/image on a single side of a sheet of paper. It also applies to one electronic image of ~~(one)~~ a single side of a sheet of paper. For example, DES considers a physical sheet of paper with an impression/image on both sides as two pages.

~~((5))~~ (8) "Public Records Act" means the same as chapter 42.56 RCW.

(9) "Public records officer" means the public records officer or designee for the department of enterprise services appointed by the director.

(10) "Request" or "PRR" or "PRRs" means a public records request made pursuant to chapter 42.56 RCW.

[Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-015, filed 12/22/11, effective 1/22/12.]

AMENDATORY SECTION (Amending WSR 12-02-004, filed 12/22/11, effective 1/22/12)

**WAC 200-01-020 (~~(Description of)~~) About the department of enterprise services.** ~~((The department, created in chapter 43, Laws of 2011, provides centralized leadership in efficiently and cost-effectively managing resources necessary to support the delivery of state government services. The department is an administrative, service and regulatory state agency.~~

~~The administrative office of the department and its staff are located at 1500 Jefferson Ave., Olympia, Washington 98504.)~~ Headquartered in Olympia and located in the 1500 Jefferson Building, 1500 Jefferson, Olympia, Washington, DES employs people, maintains service locations, and staffs major field offices in Olympia, across the state, and in Idaho. Contact and location information and the agency organizational chart are available on our website at des.wa.gov.

In addition to being a regulatory agency, DES provides services for state government, local governments, the public, private businesses, and state employees. DES is organized into the following service areas:

- (1) Executive office and administrative services for the agency;
- (2) Contracting and purchasing;
- (3) Employee assistance program;
- (4) Employee training and development;
- (5) Facilities and leasing;
- (6) Printing and mail;
- (7) Risk management;
- (8) Small agency services;
- (9) Surplus; and
- (10) Travel, cars, and parking.

[Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-020, filed 12/22/11, effective 1/22/12.]

AMENDATORY SECTION (Amending WSR 12-02-004, filed 12/22/11, effective 1/22/12)

**WAC 200-01-030 Public records officer.** (1) The public records officer is appointed by the director and is located in the ~~((contracts and legal affairs division of the department))~~ Olympia office.

(2) The public records officer is in charge of the ~~((department's))~~ DES public records program. The public records officer is responsible for ~~((the implementation of the department's rules regarding the release of public records for inspection and copying, coordinating the department staff in this regard, and))~~ :

(a) Overseeing compliance with the Public Records Act ((requirements in chapter 42.56 RCW));

(b) Implementing DES rules regarding the release of public records for inspection and copying;

(c) Coordinating DES staff in this regard.

(3) In compliance with DES policy, the public records officer may ~~((choose))~~ delegate a designee to act in ~~((his or her))~~ the officer's place to carry out the responsibilities in this chapter, including processing and responding to public records requests. The ~~((department's))~~ DES public records officer will provide the fullest assistance to requestors.

[Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-030, filed 12/22/11, effective 1/22/12.]

AMENDATORY SECTION (Amending WSR 12-02-004, filed 12/22/11, effective 1/22/12)

**WAC 200-01-040 Processing of public records requests—Request.**

~~(1) ((Any person wishing to inspect or copy public records of DES may submit the request in writing using the department's request form, or by letter, fax, or email addressed to the public records officer. The request should include the following information:)) Publicly available web records.~~

Before submitting a PRR, persons seeking DES public records are strongly encouraged to first review the DES website at [www.des.wa.gov](http://www.des.wa.gov).

Another website, [data.wa.gov](http://data.wa.gov), offers data collected from a variety of government agencies. This website provides substantial numbers of public records concerning agency business that are free for viewing and downloading at any time and accessible without submitting a PRR to DES.

(2) Public Records Act requests. DES requires no special form. However, all Public Records Act requests to DES must be sent only to the public records officer in the Olympia office. DES will accept PRRs in any one of the following ways:

- Email: [publicrecords@des.wa.gov](mailto:publicrecords@des.wa.gov)
- U.S. mail or delivery:
- Public Records Officer
- Department of Enterprise Services
- 1500 Jefferson Street E.
- P.O. Box 42445
- Olympia, WA 98504-2445

Requestors are strongly encouraged to submit written requests. At a minimum, a written request must include the following information:

- Name of requestor;
- ~~((• Address of requestor;~~
- ~~• Other contact information, including telephone number and any email address;))~~
- Contact information;
- Identification of the public records adequate for the public records officer to locate the records; and
- The date and time of day of the request.

~~((2))~~ (3) If the requestor wishes to have copies of the records made instead of inspecting them, ((he or she)) the request should so indicate. Costs will be assessed in compliance with WAC 200-01-075.

~~((3) A request form is available for use by requestors at the office of the public records officer and online at <http://www.des.wa.gov>.~~

~~(4) The public records officer may accept public records requests by telephone or in person; however, the requesting party may be asked to reduce the request to writing. In the alternative, the public records officer may confirm receipt of the request and restate the substance of the request in writing.)~~ DES accepts in-person requests at the Olympia administrative office during customary business hours. If DES receives an oral request, the public records officer will reduce the request to writing and verify in writing with the requestor that it correctly memorialized the request.

Only the Olympia administrative office is authorized to accept public records requests.

Offices other than the Olympia administrative office, other DES email addresses, other DES fax or phone numbers, and other DES staff are not authorized to accept Public Records Act requests to DES.

All communications with DES to access public records of the department or to seek assistance in making such a request, or for the purpose of obtaining information, making requests or making inquiries concerning the agency's rules for compliance with the Public Records Act shall be addressed as follows:

Public Records Officer  
Department of Enterprise Services  
1500 Jefferson Street E.  
P.O. Box 42445  
Olympia, WA 98504-2445

Communications seeking DES records sent or provided to unauthorized locations, addresses or staff, will not be accepted or processed as PRRs. DES will process such communications as general informal inquiries, general correspondence, general requests for information, or discovery, as appropriate. The requestor may resubmit his/her request to the public records officer at the Olympia office.

This Public Records Act records request procedure provides the fullest assistance to requestors by:

(a) Establishing a uniform point of contact for all Public Records Act requests to DES and related inquiries, consistent with the public records officer contact information published in the *Washington State Register*, and pursuant to RCW 42.56.580;

(b) Enabling DES to promptly distinguish PRRs from the high volume of other daily communications to DES on multiple topics. This enables timely responses and avoids excessive interference with essential agency functions as provided in RCW 42.56.100; and

(c) Ensuring that PRRs are centrally reviewed during customary business hours by the public records officer, so DES may more efficiently assign a tracking number to the request, log it in, review it, provide an initial or other response within five business days after receipt as provided in RCW 42.56.520, and otherwise timely process the request pursuant to the Public Records Act and these rules.

(4) Processing - General. The public records officer oversees compliance with the Public Records Act. The public records officer and the office will provide the fullest assistance to requestors; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the office. More information about submitting public records requests to the office is in this chapter and on the DES website.

[Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-040, filed 12/22/11, effective 1/22/12.]

AMENDATORY SECTION (Amending WSR 12-02-004, filed 12/22/11, effective 1/22/12)

**WAC 200-01-045 Processing of public records requests—Response.**

(1) DES shall respond promptly to requests for records made under the Public Records Act. Within five business days of ((receipt of the re-

~~quest,))~~ receiving a PRR, DES will log the request and assign the request a tracking number. The public records officer will evaluate the request according to the nature of the request, clarity, volume, and availability of requested records.

(2) Response. Following the initial evaluation of the request, and within five business days of receipt of the request, the public records officer will do one or more of the following:

~~(a) Make the requested records available for inspection or copying((~~

~~(b-))~~ including:

(i) If copies are available on the DES website, provide an internet address and link on the website to specific records requested;

(ii) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor((

~~(c) Provide a reasonable estimate of when records will be available; or~~

~~(d) If the request is unclear or does not sufficiently identify the requested records, obtain clarification from the requestor. Such clarification may be obtained and provided by telephone. The public records officer may then revise the estimate of when records will be available; or~~

~~(e) Deny the request.~~

~~(2) In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure pursuant to RCW 42.56.540. The notice to the affected persons will include a copy of the request.~~

~~(3) Some records are exempt from disclosure, in whole or in part. If DES believes that an entire record is exempt from disclosure and should be withheld, the public records officer will identify the record, state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, the public records officer will redact the exempt portions, provide the nonexempt portions, state the specific exemption and provide a brief explanation of why the portions of the record are exempt from disclosure.~~

~~(4) When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that DES has closed the request)).~~

(b) Acknowledge receipt of the request and provide a reasonable estimate of when records or an installment of records will be available (the public records officer may revise the estimate of when records will be available); or

(c) Acknowledge receipt of the request and ask the requestor to clarify all or any part of the request that is unclear, and provide, to the greatest extent possible, a reasonable estimate of the time DES will require to respond to the unclear request or unclear part of a request if it is not clarified.

(i) Such clarification may be requested and provided by telephone and memorialized in writing, or by email or letter;

(ii) Clarification may include identifying a record with specificity sufficient for DES to locate or produce the record;

(iii) If the requestor fails to respond to a request for clarification and the entire request is unclear, DES need not respond to it. DES will respond to those portions of a request that are clear; or

(d) Deny the request.

(3) If requested records contain information that may affect rights of others and may be exempt from disclosure, then prior to providing the records, the public records officer may give notice to such others whose rights may be affected by the disclosure. When such notice is given, affected others at their option may contact the requestor and ask the requestor to revise the request. The affected others may, if necessary, seek a court order to prevent or limit the disclosure pursuant to RCW 42.56.540. The notice to all parties, to the affected others or to agencies will include a copy of the request.

(4) Additional time to respond. Additional time for the office to respond to a request may be based upon the need to clarify the request, locate and assemble the records requested, notify affected others or agencies affected by the request, or determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

(5) Exemptions. Public records may be exempt from disclosure, in whole or in part. If DES believes that a record is exempt from disclosure and should be withheld (in whole or in part) the public records officer will provide an exemption log which will identify the record, state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld.

If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and state within the exemption log the specific exemption and provide a brief explanation of why the portions of the record are exempt from disclosure.

(6) Communication encouraged. If the requestor has not received a response in writing or has questions or concerns regarding the records request, the requestor is encouraged to contact the public records officer.

(7) The public records officer will close a request and notify the requestor that DES has closed the request administratively under the following conditions:

(a) When the requestor withdraws the request;

(b) When the requestor fails to fulfill an obligation to inspect the records; or

(c) When the requestor fails to pay a deposit, partial payment, or final payment for the requested copies.

[Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-045, filed 12/22/11, effective 1/22/12.]

AMENDATORY SECTION (Amending WSR 12-02-004, filed 12/22/11, effective 1/22/12)

**WAC 200-01-050 Inspection of public records.** ~~((1) Consistent with other demands, DES will provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document.~~

~~(2) After inspection is complete, the requestor shall identify which documents he or she wishes the agency to copy. Consistent with other demands and the volume of documents requested, DES may copy the document at that time or provide the copies to the requestor at a later date.~~

~~(3) Within thirty days of the department's notification that the records are available for inspection or copying, the requestor must claim or review the assembled records. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the department may close the request and refile the assembled records. If the requestor makes a request for the same records, it will be processed as a new request.~~

~~(4) When the inspection of the requested records is complete and all requested copies are provided, the public records officer will indicate that DES has completed its search for the requested records and made any nonexempt records available for inspection.) (1) A requestor must notify DES in advance of their intent to inspect public records. Using the tracking ID that DES assigns to each public records request, a requestor must identify with specificity and in advance, the records the requestor wishes to inspect. DES will assist the requestor in scheduling an appointment for inspection and may propose convenient alternatives to an in-person visit. Public records will be available for inspection during customary business hours and when staff are available to assist the requestor.~~

~~(2) When the request to inspect is for a large number of records, the public records officer may schedule inspection in installments.~~

~~(3) DES will notify the requestor of the scheduled appointment. The requestor must inspect the requested records within thirty days of the scheduled appointment. If the requestor or a representative of the requestor fails to inspect the records within the thirty-day period or fails to make other arrangements, DES may close the request and refile the assembled records. If the requestor makes a request for the same records, it will be processed as a new request.~~

~~(4) Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency.~~

~~Inspections are conducted in accordance with the requirement that agencies protect the requested records from damage or disorganization. No member of the public shall remove a document from the inspection area or disassemble or alter any public record.~~

~~(5) After inspection is complete, the requestor may wish to identify which documents the requestor wishes the agency to copy.~~

~~(a) Where DES charges for copies, the requestor must pay for the copies prior to the copies being provided to the requestor.~~

~~(b) Electronic records will be provided as a link to the records on the DES website if the records are located on the website, or in a format used by DES and which is generally commercially available.~~

~~(6) When the inspection of the requested records is complete and any requested copies are provided, the public records officer will close the PRR.~~

[Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-050, filed 12/22/11, effective 1/22/12.]



AMENDATORY SECTION (Amending WSR 12-02-004, filed 12/22/11, effective 1/22/12)

**WAC 200-01-055 Protection of public records.** (1) ~~((The department))~~ DES will maintain its records in a reasonably organized manner. ~~((The department))~~ DES will take reasonable ~~((actions))~~ measures to protect records from damage and disorganization. ~~((A requestor shall not take DES records from DES offices without the permission of the public records officer. A variety of records is available on the DES web site at (web site address). Requestors are encouraged to view the documents available on the web site prior to submitting a records request.))~~ If DES records are maintained in a digital format, they will be provided digitally in response to a PRR. If records are maintained and inspected on paper, a requestor may ask for copies.

(2) Records will be made available to the requestor for inspection subject to the following restrictions:

(a) ~~((The records may not be removed from the area designated.))~~ Only the public records officer will remove records from the designated inspection area.

(b) The quantity of records may be limited in accordance with the ~~((requested use))~~ available space.

(c) All possible care ~~((will))~~ shall be taken by the requestor to prevent damage to the records.

(d) Records ~~((may))~~ shall not be marked, altered, cut or mutilated in any way.

(e) ~~((Use of liquids and fountain pens and eating, drinking, and smoking while utilizing the records is))~~ During inspection, eating, drinking, and smoking are prohibited.

(f) Records shall not be defaced in any way including writing on, folding or folding anew if in folded form, tracing or fastening with clips or other fasteners except those that ~~((may))~~ already exist in the file.

(g) Records must be kept in the order in which received.

(h) ~~((All copying of records will be done by departmental personnel.))~~ Departmental personnel will provide all requested copies of records.

(i) ~~((Records will be returned to))~~ The public records officer ~~((by the requestor))~~ will remove the records from the inspection area when no longer required by the requestor and no later than the end of the customary ~~((office))~~ business hours ~~((as set forth in WAC 200-01-035)).~~

[Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-055, filed 12/22/11, effective 1/22/12.]

AMENDATORY SECTION (Amending WSR 12-02-004, filed 12/22/11, effective 1/22/12)

**WAC 200-01-065 Processing public records requests—Electronic records.** (1) The process for requesting electronic public records is the same as for requesting paper public records.

(2) When a requestor requests records in an electronic format, the public records officer will provide available nonexempt electronic public records or portions of such records that are reasonably locata-

ble in an electronic format (~~that is~~) used by the agency and that is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record, or as otherwise agreed to between the requestor and the public disclosure officer.

(3) Whenever possible, DES will provide records in electronic format. If (~~the department~~) DES has only a paper copy of the record, the (~~department~~) public records officer, when feasible, may scan the paper record and provide the resulting electronic copy to the requestor subject to any cost as provided for in WAC 200-01-075. If (~~the department~~) DES maintains the record in electronic format, the record will be provided in the maintained electronic format unless the requestor specifically asks to receive the record in paper copies or it is otherwise not feasible to provide the record in electronic format.

(4) If a record exists on a web page, DES will respond to a request for the record by providing the link to the record on the web page.

(5) Closing withdrawn or abandoned request. The public records officer will close a request when the requestor:

- (a) Withdraws the request;
- (b) Fails to clarify an entirely unclear request;
- (c) Fails to fulfill an obligation to inspect the records;
- (d) Fails to pay a deposit;
- (e) Fails to pay required fees for an installment;
- (f) Fails to claim an installment;
- (g) Fails to make final payment for the requested copies.

The public records officer will notify the requestor that DES has closed the request.

(6) Later discovered documents. If, after DES has informed the requestor that it has provided all available records, DES discovers additional responsive documents that existed at the time of the request, DES will promptly inform the requestor of the newly discovered additional documents and provide them on an expedited basis.

(7) DES is not required to create a record that does not otherwise exist.

~~((+6))~~ (8) Costs for providing electronic records as provided in this section are governed by WAC 200-01-075.

[Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-065, filed 12/22/11, effective 1/22/12.]

AMENDATORY SECTION (Amending WSR 12-02-004, filed 12/22/11, effective 1/22/12)

**WAC 200-01-070 Exemptions.** (1) DES reserves the right to determine that a public record (~~requested~~) is exempt, in whole or in part, (~~under the~~) consistent with provisions of (~~chapter 42.56 RCW~~) the Public Records Act or other applicable provision of law.

(2) (~~In addition, there are exemptions outside the Public Records Act that restrict the availability of some documents held by DES for inspection and copying; to include, but not limited to, RCW 4.92.210 (information in a claim filed with the office of risk management) and RCW 5.60.060 (attorney-client privilege).~~)

~~(3) In addition, DES reserves the right to delete identifying details when it makes available any public record in cases when there is~~

reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.56 RCW.

~~(4) The department is prohibited by statute from disclosing lists of individuals for commercial purposes pursuant to RCW 42.56.070(9).) Certain exemptions other than the Public Records Act itself restrict the disclosure of documents held by DES. Some examples of such other applicable statutory exemptions include, but are not limited to:~~

~~RCW 4.92.210: Privileged and confidential contents of risk management tort claims file.~~

~~RCW 5.60.060: Attorney-client privileged records.~~

~~RCW 41.04.730: Employee assistance program—Information confidential—Exceptions.~~

~~(3) DES reserves the right to delete identifying details when producing any public record when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by RCW 42.56.050.~~

~~(4) DES is prohibited by statute from disclosing lists of individuals or records that may be manipulated to created lists of individuals for commercial purposes pursuant to RCW 42.56.070.~~

[Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-070, filed 12/22/11, effective 1/22/12.]

AMENDATORY SECTION (Amending WSR 18-09-014, filed 4/9/18, effective 5/10/18)

**WAC 200-01-075 Costs of providing public records.** ~~((1) There is no fee for inspecting public records. DES may charge for providing public records or waive charges for providing public records. DES will charge using the fees listed under RCW 42.56.120 and will maintain a fee schedule on its web site.~~

~~(2) There will be no charge for emailing electronic records to a requestor, unless another cost applies.~~

~~(3) DES has determined calculating the actual costs for providing public records is unduly burdensome for the following reasons:~~

~~(a) The level of effort, supplies, and shipping costs incurred by DES vary widely for each records request and are unique to each records request;~~

~~(b) Recordkeeping needed to capture all allowed costs unnecessarily increases DES's administrative overhead; and~~

~~(c) Determining actual costs for each records request within the statutory response time frame requires a greater than normal level of administrative resources.~~

~~(4) Before beginning to copy public records, the public records officer may require:~~

~~(a) A deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor;~~

~~(b) The payment of the remainder of the copying costs before providing all the records; or~~

~~(c) The payment of the costs of copying an installment before providing that installment. The department will not charge sales tax when it makes copies of public records.~~

~~(5) Payment may be made by cash in the exact amount charged, check, or money order to the department of enterprise services.) (1)~~

The following copy fees and payment procedures apply to requests to DES under the Public Records Act and received on or after July 8, 2019, date.

(2) Pursuant to RCW 42.56.120 (2)(b), DES is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons:

(a) DES does not have the resources to conduct a study to determine all its actual copying costs;

(b) To conduct such a study would interfere with other essential agency functions; and

(c) Through the 2017 legislative process the public and requestors have commented on and been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120 (2)(b) and (c), (3) and (4).

(3) DES will charge for the electronic delivery, copies of records, and for transfer and storage media pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). DES will charge the following additional applicable fees allowed pursuant to RCW 42.56.120:

(a) Customized services pursuant to RCW 42.56.120(3).

(b) Optional alternative fee agreements with a requestor pursuant to RCW 42.56.120(4).

The charges for copying and delivery methods used by DES are summarized in the fee schedule available on the DES website at [www.des.wa.gov](http://www.des.wa.gov).

(4) Requestors are required to pay any or all applicable charges in advance of receiving records.

(5) DES accepts public records payment by cash, money order, or credit card. DES has limited resources to accept in-person payments. In-person payments are accepted by appointment only and during customary office hours. Using the tracking ID that DES assigns to each public records request, a requestor must identify with specificity and in advance, the record(s) to which payment applies. Whenever a requestor has more than one request pending, the agency must know which fees apply; for this reason the tracking number is required and is provided on the invoice DES sends when payment is due.

Cash is accepted in the exact amount. DES will assist the requestor in scheduling an appointment to pay for records during customary office hours and may propose convenient alternatives to an in-person visit.

(6) DES will close a request when a requestor fails by the payment date to pay in the manner prescribed.

[Statutory Authority: RCW 43.19.011 and 42.56.120. WSR 18-09-014, § 200-01-075, filed 4/9/18, effective 5/10/18. Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-075, filed 12/22/11, effective 1/22/12.]

AMENDATORY SECTION (Amending WSR 12-02-004, filed 12/22/11, effective 1/22/12)

**WAC 200-01-090** (~~(Communications with the agency-)~~) **Commercial purposes.** ((All communications with DES to access public records of the department or seek assistance in making such a request, or for the purpose of obtaining information, making submittals or requests, or

~~making inquiries concerning the agency's rules for compliance with chapter 42.56 RCW shall be addressed as follows:~~

~~Department of Enterprise Services  
Public Records Officer  
1500 Jefferson Ave.  
P.O. Box 42445  
Olympia, WA 98504-2445~~

~~The telephone number of the public records officer is 360-407-8768, or you can email your request to [publicdisclosure@des.wa.gov](mailto:publicdisclosure@des.wa.gov).~~

~~Information is also available at the DES web site at <http://www.des.wa.gov>.) No provisions of any rule contained in this title shall be construed as giving authority to any DES officer or employee to give, sell, or provide access to lists of individuals requested for commercial purposes. If a list of individuals is included in the records requested, DES may require requestors to identify themselves and the purpose of their request, and provide a signed statement that the requestor will not use the list of individuals for commercial purposes.~~

~~When DES has credible indication that a requested list of individuals might be used for commercial purposes, DES will investigate the request further. DES will determine on a case-by-case basis whether such further investigation is necessary, based on the identity of the requestor, the nature of the records requested, and any other information available to DES. When DES determines further investigation is necessary, DES will require requestors to identify the purpose of their request.~~

[Statutory Authority: RCW 43.19.011 and chapter 42.56 RCW. WSR 12-02-004, § 200-01-090, filed 12/22/11, effective 1/22/12.]

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 200-01-025	Organizations, operations, and procedures.
WAC 200-01-035	Availability of records.