



As required by

The Washington State Administrative Procedure Act

Chapter 34.05 RCW

A CONCISE EXPLANATORY STATEMENT

Relating to adoption of changes to

Chapter 200-01 WAC

Public Records

January 8, 2018

Reason for Rule Adoption

Background

All state agencies have a duty to publish procedures by rule in the Washington Administrative Code for accessing and inspecting records. [RCW 42.56.040]. DES has rules in place for anyone wanting to access and inspect agency records. [chapter 200-01 WAC]

House Bill 1595 made changes to the public records act. Most of the changes to the law do not require DES to make changes to its public records rules. The public records act has historically allowed agencies to choose to charge an agency's actual costs for providing records, use the statutory default service charge schedule, or waive charges altogether.

These choices are still available to agencies, however, agencies are now required to have rules in place in order to use of the statutory default service charge schedule or waive charges altogether. Without these rules, DES may not charge for providing records using the statutory charge schedule and DES may not waive charges altogether.

Consideration and Response Summary

On June 20, 2017, DES filed proposed rules under WSR 17-22-139. Consistent with the requirements of RCW 34.05, oral and written public comments were sought from November 1, 2017 through December 7, 2017.

The department posted on its website notifications inviting participation and listing opportunities for anyone to provide both oral and written comment. In addition, state agency rule coordinators were notified by email of this rulemaking.

While opportunities to provide written comments were permitted by letter, the agency rule-making web site, and email; DES received no comments either for or against the proposed rules during the public comment period.