

Enterprise Services – in collaboration with stakeholders and customers – intends to update and clarify rules governing certain cost that DES may charge for production of records in response to public records requests (PRR.) DES also intends to update its rules to address recent organizational changes.

This summary overview provides information regarding the public records act (PRA). The overview is divided into a [Background](#) section provides a historical perspective and an [Authority](#) section listing the relevant statutory authorities.

Background

In 1972 Washington voters approved Initiative 276 which established the foundation for what was to become the Public Records Act (PRA). At its core is this statement:

The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments they have created. The public records subdivision of this chapter shall be liberally construed and its exemptions narrowly construed to promote this public policy.

Over the years the PRA has been revised but its underlying principle of transparency is unwavering.

State law requires agencies to put in place rules establishing procedures which make sure that state agencies provide the fullest assistance to anyone requesting a public record. Some examples of other areas covered by an agency's public records rules are costs for providing records, fulfilling large requests as efficiently as possible, and fulfilling requests for electronic records.

Because of recent changes to the public records act, DES's public records rules need to be updated in order remain in alignment with the law.

In the 2017 legislative session, 1595.SL Section 3 established and in some cases revised the charges an agency may impose for producing records in response to a public records request.

Current DES requirements addressing public records are addressed under [WAC series 201 -01](#). :

Authority

RCW 43.17.006 grants the director of each state department the power to : “...*prescribe rules and regulations, not inconsistent with law, for the government of his or her department, the conduct of its subordinate officers and employees, the disposition and performance of its business, and the custody, use, and preservation of the records, papers, books, documents, and property pertaining thereto.*”

RCW 42.56.070 gives DES the authority to make “...*make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection (8) of this section.*...”

1595.SL section 3(2)(b) amends 42.56.120 RCW giving DES the authority to avoid calculation of actual PRR costs for providing public records: “...*An agency need not calculate the actual costs it charges for providing public records if it has rules or regulations declaring the reasons doing so would be unduly burdensome.*...” and alternatively adopting a schedule in which the specific charges the agency may not exceed: “...*To the extent the agency has not determined the actual costs of copying public records, the agency may not charge in excess of: [schedule specifying items i - iv].*...”

1595.SL (section 4) gives DES the authority to waive charges or create other payment arrangements: “ *An agency may waive any charge assessed for a request pursuant to agency rules and regulations. An agency may enter into any contract, memorandum of understanding, or other agreement with a requestor that provides an alternative fee arrangement to the charges authorized in this section, or in response to a voluminous or frequently occurring request.*”