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**State Government Operations &  
Accountability Committee**

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**HB 1602**

**Brief Description:** Concerning the denial of a public records request because the request is overbroad.

**Sponsors:** Representatives Haigh, Hinkle and Hudgins.

**Brief Summary of Bill**

- Prohibits an agency or the Legislature from denying a public records request because it is overbroad.

**Hearing Date:** 2/9/05

**Staff:** Jim Morishima (786-7191).

**Background:**

The Public Disclosure Act (PDA) requires that all state and local government agencies to make all public records available for public inspection and copying unless they fall within certain statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally and the exceptions narrowly in order to effectuate a general policy favoring disclosure.

Responses to requests for public records must be made promptly. Within five business days of a request, an agency must:

- Provide the record;
- Acknowledge receipt of the request and provide a reasonable estimate of the time that is required to respond to the request. Additional time may be taken to clarify the intent of the request, to locate the requested information, to notify third persons or agencies affected by the request, or to determine whether the requested information is protected by an exemption; or
- Deny the request.

The Washington Supreme Court recently ruled that a public agency does not have to comply with an overbroad request. Hangartner v. City of Seattle, 151 Wn.2d 439, 448 (2004). According to the court, a proper request for public records "must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting *all* of an agency's documents" (emphasis original). Id.

**Summary of Bill:**

An agency and the Legislature may not deny a public records request because it is overbroad. The agency or the Legislature may request that the requestor narrow the request.

**Appropriation:** None.

**Fiscal Note:** Requested on February 4, 2005.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.