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HOUSE BILL 2582

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State of Washington                      61st Legislature                      2010 Regular Session

By Representatives Hurst, Armstrong, Haigh, Moeller, Chase, Kelley, Carlyle, and Hudgins

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1            AN ACT Relating to responses to public records requests; amending  
2            RCW 42.56.520; and creating a new section.

3            BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.** The internet provides for instant access to  
5            public records at a significantly reduced cost to the agency and the  
6            public. Agencies are encouraged to make commonly requested records  
7            available on agency web sites. When an agency has made records  
8            available on its web site, members of the public with computer access  
9            should be encouraged to preserve taxpayer resources by accessing those  
10           records online.

11           **Sec. 2.** RCW 42.56.520 and 1995 c 397 s 15 are each amended to read  
12           as follows:

13           Responses to requests for public records shall be made promptly by  
14           agencies, the office of the secretary of the senate, and the office of  
15           the chief clerk of the house of representatives. Within five business  
16           days of receiving a public record request, an agency, the office of the  
17           secretary of the senate, or the office of the chief clerk of the house  
18           of representatives must respond by either (1) providing the record; (2)

1 providing an internet address to where the responsive records can be  
2 found on the agency's web site: PROVIDED, That if the requester  
3 informs the agency that the requester cannot access the records through  
4 the internet, the agency shall provide copies or allow the requester to  
5 view copies on an agency computer; (3) acknowledging that the agency,  
6 the office of the secretary of the senate, or the office of the chief  
7 clerk of the house of representatives has received the request and  
8 providing a reasonable estimate of the time the agency, the office of  
9 the secretary of the senate, or the office of the chief clerk of the  
10 house of representatives will require to respond to the request; or  
11 (~~(3)~~) (4) denying the public record request. Additional time  
12 required to respond to a request may be based upon the need to clarify  
13 the intent of the request, to locate and assemble the information  
14 requested, to notify third persons or agencies affected by the request,  
15 or to determine whether any of the information requested is exempt and  
16 that a denial should be made as to all or part of the request. In  
17 acknowledging receipt of a public record request that is unclear, an  
18 agency, the office of the secretary of the senate, or the office of the  
19 chief clerk of the house of representatives may ask the requestor to  
20 clarify what information the requestor is seeking. If the requestor  
21 fails to clarify the request, the agency, the office of the secretary  
22 of the senate, or the office of the chief clerk of the house of  
23 representatives need not respond to it. Denials of requests must be  
24 accompanied by a written statement of the specific reasons therefor.  
25 Agencies, the office of the secretary of the senate, and the office of  
26 the chief clerk of the house of representatives shall establish  
27 mechanisms for the most prompt possible review of decisions denying  
28 inspection, and such review shall be deemed completed at the end of the  
29 second business day following the denial of inspection and shall  
30 constitute final agency action or final action by the office of the  
31 secretary of the senate or the office of the chief clerk of the house  
32 of representatives for the purposes of judicial review.

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