
SENATE BILL 5293

State of Washington 61st Legislature 2009 Regular Session

By Senators Kline, Rockefeller, King, Holmquist, Delvin, Oemig, Hatfield, and Shin

Read first time 01/20/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to in camera reviews of denials of public records
2 requests; and amending RCW 42.56.520.

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

4 **Sec. 1.** RCW 42.56.520 and 1995 c 397 s 15 are each amended to read
5 as follows:

6 (1) Responses to requests for public records shall be made promptly
7 by agencies, the office of the secretary of the senate, and the office
8 of the chief clerk of the house of representatives. Within five
9 business days of receiving a public record request, an agency, the
10 office of the secretary of the senate, or the office of the chief clerk
11 of the house of representatives must respond by either ~~((+1+))~~ (a)
12 providing the record; ~~((+2+))~~ (b) acknowledging that the agency, the
13 office of the secretary of the senate, or the office of the chief clerk
14 of the house of representatives has received the request and providing
15 a reasonable estimate of the time the agency, the office of the
16 secretary of the senate, or the office of the chief clerk of the house
17 of representatives will require to respond to the request; or ~~((+3+))~~
18 (c) denying the public record request. Additional time required to
19 respond to a request may be based upon the need to clarify the intent

1 of the request, to locate and assemble the information requested, to
2 notify third persons or agencies affected by the request, or to
3 determine whether any of the information requested is exempt and that
4 a denial should be made as to all or part of the request. In
5 acknowledging receipt of a public record request that is unclear, an
6 agency, the office of the secretary of the senate, or the office of the
7 chief clerk of the house of representatives may ask the requestor to
8 clarify what information the requestor is seeking. If the requestor
9 fails to clarify the request, the agency, the office of the secretary
10 of the senate, or the office of the chief clerk of the house of
11 representatives need not respond to it. Denials of requests must be
12 accompanied by a written statement of the specific reasons therefor.
13 Agencies, the office of the secretary of the senate, and the office of
14 the chief clerk of the house of representatives shall establish
15 mechanisms for the most prompt possible review of decisions denying
16 inspection, and such review shall be deemed completed at the end of the
17 second business day following the denial of inspection and shall
18 constitute final agency action or final action by the office of the
19 secretary of the senate or the office of the chief clerk of the house
20 of representatives for the purposes of judicial review.

21 (2) Any person who, having requested an opportunity to inspect or
22 copy a public record, believes that a public agency is not entitled to
23 claim an exemption or exemptions has the right to seek review by the
24 superior court of the applicability of such exemptions. This right
25 expressly includes the right to request an in camera review of any
26 withheld records, as provided in RCW 42.56.550. This right is in
27 addition to the opportunity to seek attorney general review of agency
28 denials, as provided in RCW 42.56.530.

--- END ---