
State Government Committee

HB 1684

Brief Description: Concerning charges for the cost of providing public records in response to public records requests.

Sponsors: Representatives Takko, Nealey, Springer, S. Hunt, Gregerson, Walsh, Manweller, Fagan, Moeller, Wylie, Tharinger and Jinkins.

Brief Summary of Bill

- Allows state agencies to charge for public records provided electronically.
- Requires a deposit be paid before processing a request if more than 10 percent of the agency's records are responsive to a public records request.

Hearing Date: 2/3/15

Staff: Marsha Reilly (786-7135).

Background:

The Public Records Act allows state and local agencies to impose a reasonable charge for providing copies of public records. An agency must make available a statement of the actual per page cost that it charges and the factors used to determine the cost. Such factors include the actual cost of the paper, the per page cost for use of agency equipment, postage or delivery fees, and the cost of the envelope or container. Staff salaries may be included, but only to the extent that those costs are directly related to copying and mailing the public record.

If an agency does not calculate actual per page costs, it may charge up to 15 cents per page plus the actual postage or delivery charge and the cost of an envelope or container for mailing purposes.

An agency may require a deposit not to exceed 10 percent of the estimated cost of providing copies of a request and may charge a person per installment. If an installment is not claimed or reviewed, the agency may cease fulfilling the request.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill:

In recognition of the trend toward electronic document retention and producing electronic copies of records, agencies may establish a per megabyte charge for public records requests. The same factors to determine a per page cost for copying may be used to determine a per megabyte cost, including scanning or electronic reproduction, transmission costs and the cost of storage devices used.

An agency that does not calculate a per megabyte cost may not charge more than 2 cents per page to scan paper records or to use agency equipment to make scanned electronic copies. The first 10 megabytes of data copied or transmitted may not be charged, but for each megabyte beyond that the agency may charge 15 cents per megabyte plus the actual cost to transmit or mail the data, including any container and storage device.

If an agency determines that more than 10 percent of its records are responsive to a public records request, it may require a deposit in an amount not to exceed the estimated cost of providing 10 percent of all agency records before processing the cost. An installment of a records request not paid as charged relieves the agency of its obligation to fulfill the balance of the request.

Appropriation: None.

Fiscal Note: Not requested.

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