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HOUSE BILL 2466

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State of Washington

66th Legislature

2020 Regular Session

By Representative Pollet

1 AN ACT Relating to providing for public disclosure of public  
2 records of the legislature and legislators; amending RCW 42.56.010,  
3 42.56.580, 40.14.140, 42.56.070, 42.56.090, 42.56.100, 42.56.150,  
4 42.56.120, 42.56.520, and 42.40.030; adding new sections to chapter  
5 42.56 RCW; and repealing RCW 42.56.560.

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

7 **Sec. 1.** RCW 42.56.010 and 2017 c 303 s 1 are each amended to  
8 read as follows:

9 The definitions in this section apply throughout this chapter  
10 unless the context clearly requires otherwise.

11 (1) "Agency" includes all state agencies and all local agencies.  
12 "State agency" includes every state office, department, division,  
13 bureau, board, commission, or other state agency, and all legislative  
14 entities within the legislative branch of government. "Legislative  
15 entity" includes the house of representatives, the senate, individual  
16 legislators, the office of the chief clerk of the house of  
17 representatives, the office of the secretary of the senate, the  
18 office of the code reviser, the office of the state actuary, the  
19 redistricting commission, the legislative ethics board, legislative  
20 support services, and every standing committee, advisory committee,  
21 or task force created by one or both chambers of the legislature.

1 "Local agency" includes every county, city, town, municipal  
2 corporation, quasi-municipal corporation, or special purpose  
3 district, or any office, department, division, bureau, board,  
4 commission, or agency thereof, or other local public agency.

5 (2) "Person in interest" means the person who is the subject of a  
6 record or any representative designated by that person, except that  
7 if that person is under a legal disability, "person in interest"  
8 means and includes the parent or duly appointed legal representative.

9 (3) "Public record" includes any writing containing information  
10 relating to the conduct of government or the performance of any  
11 governmental or proprietary function prepared, owned, used, or  
12 retained by any state or local agency regardless of physical form or  
13 characteristics. (~~For the office of the secretary of the senate and  
14 the office of the chief clerk of the house of representatives, public  
15 records means legislative records as defined in RCW 40.14.100 and  
16 also means the following: All budget and financial records; personnel  
17 leave, travel, and payroll records; records of legislative sessions;  
18 reports submitted to the legislature; and any other record designated  
19 a public record by any official action of the senate or the house of  
20 representatives.~~) This definition does not include records that are  
21 not otherwise required to be retained by the agency and are held by  
22 volunteers who:

23 (a) Do not serve in an administrative capacity;

24 (b) Have not been appointed by the agency to an agency board,  
25 commission, or internship; and

26 (c) Do not have a supervisory role or delegated agency authority.

27 (4) "Writing" means handwriting, typewriting, printing,  
28 photostating, photographing, and every other means of recording any  
29 form of communication or representation including, but not limited  
30 to, letters, words, pictures, sounds, or symbols, or combination  
31 thereof, and all papers, maps, magnetic or paper tapes, photographic  
32 films and prints, motion picture, film and video recordings, magnetic  
33 or punched cards, discs, drums, diskettes, sound recordings, and  
34 other documents including existing data compilations from which  
35 information may be obtained or translated.

36 **Sec. 2.** RCW 42.56.580 and 2007 c 456 s 6 are each amended to  
37 read as follows:

38 (1) Each state and local agency shall appoint and publicly  
39 identify a public records officer whose responsibility is to serve as

1 a point of contact for members of the public in requesting disclosure  
2 of public records and to oversee the agency's compliance with the  
3 public records disclosure requirements of this chapter. A state or  
4 local agency's public records officer may appoint an employee or  
5 official of another agency as its public records officer. For  
6 legislative entities, public records officers are designated in  
7 subsection (4) of this section.

8 (2) For state agencies, the name and contact information of the  
9 agency's public records officer to whom members of the public may  
10 direct requests for disclosure of public records and who will oversee  
11 the agency's compliance with the public records disclosure  
12 requirements of this chapter shall be published in the state register  
13 at the time of designation and maintained thereafter on the code  
14 reviser web site for the duration of the designation.

15 (3) For local agencies, the name and contact information of the  
16 agency's public records officer to whom members of the public may  
17 direct requests for disclosure of public records and who will oversee  
18 the agency's compliance within the public records disclosure  
19 requirements of this chapter shall be made in a way reasonably  
20 calculated to provide notice to the public, including posting at the  
21 local agency's place of business, posting on its internet site, or  
22 including in its publications.

23 (4) The public records officers for legislative entities are as  
24 follows:

25 (a) For representatives and committees, task forces, and other  
26 entities solely within the house of representatives, the chief clerk  
27 of the house of representatives or the chief clerk's designee is the  
28 public records officer;

29 (b) For senators and committees, task forces, and other entities  
30 solely within the senate, the secretary of the senate or the  
31 secretary's designee is the public records officer; and

32 (c) There is established a joint office of legislative public  
33 records, which shall employ staff as needed to respond to public  
34 records requests, and whose director is the public records officer  
35 for entities that are independent of either chamber of the  
36 legislature or are established jointly by the house of  
37 representatives and the senate.

38 NEW SECTION. Sec. 3. A new section is added to chapter 42.56  
39 RCW to read as follows:

1 Requests for records in the possession of legislative entities  
2 must be addressed as follows:

3 (1) Except as provided otherwise in this section, any duty in  
4 this chapter imposed on an agency that is also a legislative entity  
5 must be performed by the public records officer for that legislative  
6 entity as provided by RCW 42.56.580.

7 (2) A public records request for records in the possession of a  
8 legislative entity must be directed to the appropriate public records  
9 officer for that legislative entity. The web site for each  
10 legislative entity must provide information about how to submit a  
11 public records request to the appropriate public records officer. A  
12 legislative entity that receives a public records request must  
13 forward that request to the appropriate public records officer  
14 promptly upon receipt. A legislative entity's obligation to respond  
15 to a request, and the timeline for a response under RCW 42.56.520,  
16 does not begin until the public records officer receives the public  
17 records request.

18 (3) Legislators must comply with the records retention policy  
19 developed under RCW 40.14.140 and, when asked by the public records  
20 officer, must promptly search for responsive records and provide them  
21 to the public records officer.

22 (4) In an action in court under RCW 42.56.550, the plaintiff must  
23 name the appropriate public records officer or officers as a  
24 defendant. If the plaintiff prevails and the court awards costs or  
25 penalties, the court may decide whether all or part of the costs or  
26 penalties should be assessed against the legislative entity rather  
27 than the public records officer, as determined by the legislative  
28 entity's level of culpability in the violation.

29 **Sec. 4.** RCW 40.14.140 and 2011 c 336 s 821 are each amended to  
30 read as follows:

31 (1) It shall be the duty of the ((clerk and the secretary))  
32 public records officers for legislative entities as provided in RCW  
33 42.56.580 to advise ((the party caucuses in each house)) legislators  
34 and legislative staff concerning the necessity to keep public  
35 records. The state archivist or his or her representative shall work  
36 with the clerk and secretary to provide information, resources,  
37 training, and instructions on the best methods for keeping and  
38 searching legislative records.

1       (2) The public records officers for legislative entities must  
2 consult with the secretary of state and the state librarian to adopt  
3 a records retention policy that applies to all legislative entities  
4 as that term is defined in RCW 42.56.010. The policy must include the  
5 following provisions:

6       (a) Notes sent to legislators in chambers to alert legislators  
7 that a person wishes to speak to them need not be retained.

8       (b) Voicemail on personal devices or devices provided by or  
9 designated by the legislature for legislative business may be deleted  
10 as necessary to provide storage space for new messages, unless the  
11 voicemail is responsive to a records request that has been submitted  
12 prior to the deletion of the voicemail.

13       NEW SECTION. Sec. 5. A new section is added to chapter 42.56  
14 RCW to read as follows:

15       The following records and information in the possession of  
16 legislative entities are exempt from public inspection and copying  
17 under this chapter:

18       (1) Notes sent to legislators in chambers to alert legislators  
19 that a person wishes to speak to them;

20       (2) Personally identifying information of a person who reports  
21 misconduct within the legislative branch, or who states that he or  
22 she is a victim of such misconduct, when that identifying information  
23 is contained in a communication by a legislative branch employee to a  
24 legislator or other legislative staff member, and when the person who  
25 reports or states to be a victim of such misconduct requests that his  
26 or her identity be withheld from disclosure;

27       (3) Communications by state employees to legislators that report  
28 improper governmental action, as defined by RCW 42.40.020, are exempt  
29 from disclosure if the legislator reports the assertion of improper  
30 governmental action to the auditor within the time frame provided in  
31 RCW 42.40.040. If the legislator does not report the assertion to the  
32 auditor under that section, the communications are not exempt from  
33 disclosure; and

34       (4) (a) Personally identifying information contained in a  
35 communication between a legislator and a constituent when:

36       (i) The communication is made solely for the purpose of having a  
37 legislator assist a person with obtaining assistance from a state  
38 agency on a personal matter;

1 (ii) Disclosure would be objectively offensive to a reasonable  
2 person by revealing details about a person's health, finances, or  
3 other matter of privacy; and

4 (iii) The communication does not seek to influence legislation,  
5 including a budget.

6 (b) The entire record may be exempt under this subsection if  
7 disclosure of the redacted record contains enough information that a  
8 person's identity could become known.

9 **Sec. 6.** RCW 42.56.070 and 2017 c 304 s 1 are each amended to  
10 read as follows:

11 (1) Each agency, in accordance with published rules, shall make  
12 available for public inspection and copying all public records,  
13 unless the record falls within the specific exemptions of subsection  
14 (8) of this section, this chapter, or other statute which exempts or  
15 prohibits disclosure of specific information or records. To the  
16 extent required to prevent an unreasonable invasion of personal  
17 privacy interests protected by this chapter, an agency shall delete  
18 identifying details in a manner consistent with this chapter when it  
19 makes available or publishes any public record; however, in each  
20 case, the justification for the deletion shall be explained fully in  
21 writing.

22 (2) For informational purposes, each agency shall publish and  
23 maintain a current list containing every law, other than those listed  
24 in this chapter, that the agency believes exempts or prohibits  
25 disclosure of specific information or records of the agency. An  
26 agency's failure to list an exemption shall not affect the efficacy  
27 of any exemption.

28 (3) Each local agency shall maintain and make available for  
29 public inspection and copying a current index providing identifying  
30 information as to the following records issued, adopted, or  
31 promulgated after January 1, 1973:

32 (a) Final opinions, including concurring and dissenting opinions,  
33 as well as orders, made in the adjudication of cases;

34 (b) Those statements of policy and interpretations of policy,  
35 statute, and the Constitution which have been adopted by the agency;

36 (c) Administrative staff manuals and instructions to staff that  
37 affect a member of the public;

38 (d) Planning policies and goals, and interim and final planning  
39 decisions;

1 (e) Factual staff reports and studies, factual consultant's  
2 reports and studies, scientific reports and studies, and any other  
3 factual information derived from tests, studies, reports, or surveys,  
4 whether conducted by public employees or others; and

5 (f) Correspondence, and materials referred to therein, by and  
6 with the agency relating to any regulatory, supervisory, or  
7 enforcement responsibilities of the agency, whereby the agency  
8 determines, or opines upon, or is asked to determine or opine upon,  
9 the rights of the state, the public, a subdivision of state  
10 government, or of any private party.

11 (4) A local agency need not maintain such an index, if to do so  
12 would be unduly burdensome, but it shall in that event:

13 (a) Issue and publish a formal order specifying the reasons why  
14 and the extent to which compliance would unduly burden or interfere  
15 with agency operations; and

16 (b) Make available for public inspection and copying all indexes  
17 maintained for agency use.

18 (5) Each state agency shall, by rule, establish and implement a  
19 system of indexing for the identification and location of the  
20 following records:

21 (a) All records issued before July 1, 1990, for which the agency  
22 has maintained an index;

23 (b) Final orders entered after June 30, 1990, that are issued in  
24 adjudicative proceedings as defined in RCW 34.05.010 and that contain  
25 an analysis or decision of substantial importance to the agency in  
26 carrying out its duties;

27 (c) Declaratory orders entered after June 30, 1990, that are  
28 issued pursuant to RCW 34.05.240 and that contain an analysis or  
29 decision of substantial importance to the agency in carrying out its  
30 duties;

31 (d) Interpretive statements as defined in RCW 34.05.010 that were  
32 entered after June 30, 1990; and

33 (e) Policy statements as defined in RCW 34.05.010 that were  
34 entered after June 30, 1990.

35 Rules establishing systems of indexing shall include, but not be  
36 limited to, requirements for the form and content of the index, its  
37 location and availability to the public, and the schedule for  
38 revising or updating the index. State agencies that have maintained  
39 indexes for records issued before July 1, 1990, shall continue to  
40 make such indexes available for public inspection and copying.

1 Information in such indexes may be incorporated into indexes prepared  
2 pursuant to this subsection. State agencies may satisfy the  
3 requirements of this subsection by making available to the public  
4 indexes prepared by other parties but actually used by the agency in  
5 its operations. State agencies shall make indexes available for  
6 public inspection and copying. State agencies may charge a fee to  
7 cover the actual costs of providing individual mailed copies of  
8 indexes.

9 (6) A public record may be relied on, used, or cited as precedent  
10 by an agency against a party other than an agency and it may be  
11 invoked by the agency for any other purpose only if:

12 (a) It has been indexed in an index available to the public; or

13 (b) Parties affected have timely notice (actual or constructive)  
14 of the terms thereof.

15 (7) Each agency may establish, maintain, and make available for  
16 public inspection and copying a statement of the actual costs that it  
17 charges for providing photocopies or electronically produced copies,  
18 of public records and a statement of the factors and manner used to  
19 determine the actual costs. Any statement of costs may be adopted by  
20 an agency only after providing notice and public hearing.

21 (a)(i) In determining the actual cost for providing copies of  
22 public records, an agency may include all costs directly incident to  
23 copying such public records including:

24 (A) The actual cost of the paper and the per page cost for use of  
25 agency copying equipment; and

26 (B) The actual cost of the electronic production or file transfer  
27 of the record and the use of any cloud-based data storage and  
28 processing service.

29 (ii) In determining other actual costs for providing copies of  
30 public records, an agency may include all costs directly incident to:

31 (A) Shipping such public records, including the cost of postage  
32 or delivery charges and the cost of any container or envelope used;  
33 and

34 (B) Transmitting such records in an electronic format, including  
35 the cost of any transmission charge and use of any physical media  
36 device provided by the agency.

37 (b) In determining the actual costs for providing copies of  
38 public records, an agency may not include staff salaries, benefits,  
39 or other general administrative or overhead charges, unless those  
40 costs are directly related to the actual cost of copying the public



1 records. Staff time to copy and send the requested public records may  
2 be included in an agency's costs.

3 (8) This chapter shall not be construed as giving authority to  
4 any agency(~~(, the office of the secretary of the senate, or the~~  
5 ~~office of the chief clerk of the house of representatives))~~) to give,  
6 sell, or provide access to lists of individuals requested for  
7 commercial purposes, and agencies(~~(, the office of the secretary of~~  
8 ~~the senate, and the office of the chief clerk of the house of~~  
9 ~~representatives))~~) shall not do so unless specifically authorized or  
10 directed by law: PROVIDED, HOWEVER, That lists of applicants for  
11 professional licenses and of professional licensees shall be made  
12 available to those professional associations or educational  
13 organizations recognized by their professional licensing or  
14 examination board, upon payment of a reasonable charge therefor:  
15 PROVIDED FURTHER, That such recognition may be refused only for a  
16 good cause pursuant to a hearing under the provisions of chapter  
17 34.05 RCW, the administrative procedure act.

18 **Sec. 7.** RCW 42.56.090 and 2009 c 428 s 2 are each amended to  
19 read as follows:

20 Public records shall be available for inspection and copying  
21 during the customary office hours of the agency(~~(, the office of the~~  
22 ~~secretary of the senate, and the office of the chief clerk of the~~  
23 ~~house of representatives))~~) for a minimum of thirty hours per week,  
24 except weeks that include state legal holidays, unless the person  
25 making the request and the agency(~~(, the office of the secretary of~~  
26 ~~the senate, or the office of the chief clerk of the house of~~  
27 ~~representatives))~~) or its representative agree on a different time.  
28 Customary business hours must be posted on the agency or office's web  
29 site and made known by other means designed to provide the public  
30 with notice.

31 **Sec. 8.** RCW 42.56.100 and 1995 c 397 s 13 are each amended to  
32 read as follows:

33 Agencies shall adopt and enforce reasonable rules and  
34 regulations, (~~(and the office of the secretary of the senate and the~~  
35 ~~office of the chief clerk of the house of representatives shall adopt~~  
36 ~~reasonable procedures allowing for))~~ which for legislative entities  
37 may reflect the time, resource, and personnel constraints associated  
38 with legislative sessions, consonant with the intent of this chapter

1 to provide full public access to public records((~~τ~~)); to recognize  
2 the importance of public access to records while an agency is in the  
3 process of making a decision, including timely access to influence  
4 legislative action; to protect public records from damage or  
5 disorganization((~~τ~~)); and to prevent excessive interference with  
6 other essential functions of the agency((~~, the office of the~~  
7 ~~secretary of the senate, or the office of the chief clerk of the~~  
8 ~~house of representatives~~)). Such rules and regulations shall provide  
9 for the fullest assistance to inquirers and the most timely possible  
10 action on requests for information. Nothing in this section shall  
11 relieve agencies((~~, the office of the secretary of the senate, and~~  
12 ~~the office of the chief clerk of the house of representatives~~)) from  
13 honoring requests received by mail for copies of identifiable public  
14 records.

15 If a public record request is made at a time when such record  
16 exists but is scheduled for destruction in the near future, the  
17 agency((~~, the office of the secretary of the senate, or the office of~~  
18 ~~the chief clerk of the house of representatives~~)) shall retain  
19 possession of the record, and may not destroy or erase the record  
20 until the request is resolved.

21 **Sec. 9.** RCW 42.56.150 and 2014 c 66 s 3 are each amended to read  
22 as follows:

23 (1) Each local elected official, state legislator, and statewide  
24 elected official, and each person appointed to fill a vacancy in a  
25 local, state legislative, or statewide office, must complete a  
26 training course regarding the provisions of this chapter, and also  
27 chapter 40.14 RCW for records retention. Either training may be  
28 completed remotely with technology such as the internet as long as  
29 there is a process to verify the training is completed by the  
30 appropriate person. One aide employed in the office of each state  
31 legislator must also complete the trainings required by this section.

32 (2) Officials required to complete training under this section  
33 may complete their training before assuming office but must:

34 (a) Complete training no later than ninety days after the date  
35 the official either:

36 (i) Takes the oath of office, if the official is required to take  
37 an oath of office to assume his or her duties as a public official;  
38 or

- 1 (ii) Otherwise assumes his or her duties as a public official;  
2 and  
3 (b) Complete refresher training at intervals of no more than four  
4 years for as long as he or she holds the office.  
5 (3) Training must be consistent with the attorney general's model  
6 rules for compliance with the public records act.  
7 (~~(4) Training may be completed remotely with technology~~  
8 ~~including but not limited to internet-based training.~~)

9 **Sec. 10.** RCW 42.56.120 and 2017 c 304 s 3 are each amended to  
10 read as follows:

11 (1) No fee shall be charged for the inspection of public records  
12 or locating public documents and making them available for copying,  
13 except as provided in RCW 42.56.240(14) and subsection (3) of this  
14 section. A reasonable charge may be imposed for providing copies of  
15 public records and for the use by any person of agency equipment (~~or~~  
16 ~~equipment of the office of the secretary of the senate or the office~~  
17 ~~of the chief clerk of the house of representatives)) to copy public  
18 records, which charges shall not exceed the amount necessary to  
19 reimburse the agency(~~, the office of the secretary of the senate, or~~  
20 ~~the office of the chief clerk of the house of representatives)) for  
21 its actual costs directly incident to such copying. When calculating  
22 any fees authorized under this section, an agency shall use the most  
23 reasonable cost-efficient method available to the agency as part of  
24 its normal operations. If any agency translates a record into an  
25 alternative electronic format at the request of a requestor, the copy  
26 created does not constitute a new public record for purposes of this  
27 chapter. Scanning paper records to make electronic copies of such  
28 records is a method of copying paper records and does not amount to  
29 the creation of a new public record.~~~~

30 (2)(a) Agency charges for actual costs may only be imposed in  
31 accordance with the costs established and published by the agency  
32 pursuant to RCW 42.56.070(7), and in accordance with the statement of  
33 factors and manner used to determine the actual costs. In no event  
34 may an agency charge a per page cost greater than the actual cost as  
35 established and published by the agency.

36 (b) An agency need not calculate the actual costs it charges for  
37 providing public records if it has rules or regulations declaring the  
38 reasons doing so would be unduly burdensome. To the extent the agency

1 has not determined the actual costs of copying public records, the  
2 agency may not charge in excess of:

3 (i) Fifteen cents per page for photocopies of public records,  
4 printed copies of electronic public records when requested by the  
5 person requesting records, or for the use of agency equipment to  
6 photocopy public records;

7 (ii) Ten cents per page for public records scanned into an  
8 electronic format or for the use of agency equipment to scan the  
9 records;

10 (iii) Five cents per each four electronic files or attachment  
11 uploaded to email, cloud-based data storage service, or other means  
12 of electronic delivery; and

13 (iv) Ten cents per gigabyte for the transmission of public  
14 records in an electronic format or for the use of agency equipment to  
15 send the records electronically. The agency shall take reasonable  
16 steps to provide the records in the most efficient manner available  
17 to the agency in its normal operations; and

18 (v) The actual cost of any digital storage media or device  
19 provided by the agency, the actual cost of any container or envelope  
20 used to mail the copies to the requestor, and the actual postage or  
21 delivery charge.

22 (c) The charges in (b) of this subsection may be combined to the  
23 extent that more than one type of charge applies to copies produced  
24 in response to a particular request.

25 (d) An agency may charge a flat fee of up to two dollars for any  
26 request as an alternative to fees authorized under (a) or (b) of this  
27 subsection when the agency reasonably estimates and documents that  
28 the costs allowed under this subsection are clearly equal to or more  
29 than two dollars. An additional flat fee shall not be charged for any  
30 installment after the first installment of a request produced in  
31 installments. An agency that has elected to charge the flat fee in  
32 this subsection for an initial installment may not charge the fees  
33 authorized under (a) or (b) of this subsection on subsequent  
34 installments.

35 (e) An agency shall not impose copying charges under this section  
36 for access to or downloading of records that the agency routinely  
37 posts on its public internet web site prior to receipt of a request  
38 unless the requestor has specifically requested that the agency  
39 provide copies of such records through other means.

1 (f) A requestor may ask an agency to provide, and if requested an  
2 agency shall provide, a summary of the applicable charges before any  
3 copies are made and the requestor may revise the request to reduce  
4 the number of copies to be made and reduce the applicable charges.

5 (3) (a) (i) In addition to the charge imposed for providing copies  
6 of public records and for the use by any person of agency equipment  
7 copying costs, an agency may include a customized service charge. A  
8 customized service charge may only be imposed if the agency estimates  
9 that the request would require the use of information technology  
10 expertise to prepare data compilations, or provide customized  
11 electronic access services when such compilations and customized  
12 access services are not used by the agency for other agency purposes.

13 (ii) The customized service charge may reimburse the agency up to  
14 the actual cost of providing the services in this subsection.

15 (b) An agency may not assess a customized service charge unless  
16 the agency has notified the requestor of the customized service  
17 charge to be applied to the request, including an explanation of why  
18 the customized service charge applies, a description of the specific  
19 expertise, and a reasonable estimate cost of the charge. The notice  
20 also must provide the requestor the opportunity to amend his or her  
21 request in order to avoid or reduce the cost of a customized service  
22 charge.

23 (4) An agency may require a deposit in an amount not to exceed  
24 ten percent of the estimated cost of providing copies for a request,  
25 including a customized service charge. If an agency makes a request  
26 available on a partial or installment basis, the agency may charge  
27 for each part of the request as it is provided. If an installment of  
28 a records request is not claimed or reviewed, the agency is not  
29 obligated to fulfill the balance of the request. An agency may waive  
30 any charge assessed for a request pursuant to agency rules and  
31 regulations. An agency may enter into any contract, memorandum of  
32 understanding, or other agreement with a requestor that provides an  
33 alternative fee arrangement to the charges authorized in this  
34 section, or in response to a voluminous or frequently occurring  
35 request.

36 **Sec. 11.** RCW 42.56.520 and 2017 c 303 s 3 are each amended to  
37 read as follows:

38 (1) Responses to requests for public records shall be made  
39 promptly by agencies (~~(, the office of the secretary of the senate,~~

1 ~~and the office of the chief clerk of the house of representatives))~~.  
2 ~~((Within))~~ Except as described in subsection (5) of this section,  
3 within five business days of receiving a public record request, an  
4 agency(~~(, the office of the secretary of the senate, or the office of~~  
5 ~~the chief clerk of the house of representatives))~~) must respond in one  
6 of the ways provided in this subsection (1):

7 (a) Providing the record;

8 (b) Providing an internet address and link on the agency's web  
9 site to the specific records requested, except that if the requester  
10 notifies the agency that he or she cannot access the records through  
11 the internet, then the agency must provide copies of the record or  
12 allow the requester to view copies using an agency computer;

13 (c) Acknowledging that the agency(~~(, the office of the secretary~~  
14 ~~of the senate, or the office of the chief clerk of the house of~~  
15 ~~representatives))~~) has received the request and providing a reasonable  
16 estimate of the time the agency(~~(, the office of the secretary of the~~  
17 ~~senate, or the office of the chief clerk of the house of~~  
18 ~~representatives))~~) will require to respond to the request;

19 (d) Acknowledging that the agency(~~(, the office of the secretary~~  
20 ~~of the senate, or the office of the chief clerk of the house of~~  
21 ~~representatives))~~) has received the request and asking the requestor  
22 to provide clarification for a request that is unclear, and  
23 providing, to the greatest extent possible, a reasonable estimate of  
24 the time the agency(~~(, the office of the secretary of the senate, or~~  
25 ~~the office of the chief clerk of the house of representatives))~~) will  
26 require to respond to the request if it is not clarified; or

27 (e) Denying the public record request.

28 (2) Additional time required to respond to a request may be based  
29 upon the need to clarify the intent of the request, to locate and  
30 assemble the information requested, to notify third persons or  
31 agencies affected by the request, or to determine whether any of the  
32 information requested is exempt and that a denial should be made as  
33 to all or part of the request.

34 (3)(a) In acknowledging receipt of a public record request that  
35 is unclear, an agency(~~(, the office of the secretary of the senate,~~  
36 ~~or the office of the chief clerk of the house of representatives))~~)  
37 may ask the requestor to clarify what information the requestor is  
38 seeking.

39 (b) If the requestor fails to respond to an agency request to  
40 clarify the request, and the entire request is unclear, the agency(~~(,~~

1 ~~the office of the secretary of the senate, or the office of the chief~~  
2 ~~clerk of the house of representatives))~~ need not respond to it.  
3 Otherwise, the agency must respond, pursuant to this section, to  
4 those portions of the request that are clear.

5 (4) Denials of requests must be accompanied by a written  
6 statement of the specific reasons therefor. Agencies(~~(, the office of~~  
7 ~~the secretary of the senate, and the office of the chief clerk of the~~  
8 ~~house of representatives))~~ shall establish mechanisms for the most  
9 prompt possible review of decisions denying inspection, and such  
10 review shall be deemed completed at the end of the second business  
11 day following the denial of inspection and shall constitute final  
12 agency action (~~(or final action by the office of the secretary of the~~  
13 ~~senate or the office of the chief clerk of the house of~~  
14 ~~representatives))~~ for the purposes of judicial review.

15 (5) For a public records request for records in the possession of  
16 a legislative entity, an entity's obligation to respond to a request,  
17 and the timeline for a response under this section, does not begin  
18 until the public records officer receives the public records request.

19 **Sec. 12.** RCW 42.40.030 and 2008 c 266 s 3 are each amended to  
20 read as follows:

21 (1) An employee shall not directly or indirectly use or attempt  
22 to use the employee's official authority or influence for the purpose  
23 of intimidating, threatening, coercing, commanding, influencing, or  
24 attempting to intimidate, threaten, coerce, command, or influence any  
25 individual for the purpose of interfering with the right of the  
26 individual to: (a) Disclose to the auditor (or representative  
27 thereof) or other public official, as defined in RCW 42.40.020,  
28 information concerning improper governmental action; or (b) identify  
29 rules warranting review or provide information to the rules review  
30 committee.

31 (2) Nothing in this section authorizes an individual to disclose  
32 information otherwise prohibited by law, except to the extent that  
33 information is necessary to substantiate the whistleblower complaint,  
34 in which case information may be disclosed to the auditor or public  
35 official, as defined in RCW 42.40.020, by the whistleblower for the  
36 limited purpose of providing information related to the complaint.  
37 Any information provided to the auditor or public official under the  
38 authority of this subsection may not be further disclosed, except as  
39 provided in section 5 of this act.

1        NEW SECTION.        **Sec. 13.**        RCW 42.56.560 (Application of RCW  
2 42.56.550) and 2005 c 274 s 289 & 1995 c 397 s 16 are each repealed.

--- **END** ---