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SENATE BILL 5249

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State of Washington

61st Legislature

2009 Regular Session

By Senator Fairley

Read first time 01/19/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to public records request responses; and amending  
2 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.

1       (2) Additional time required to respond to a request may be based  
2 upon the need to clarify the intent of the request, to locate and  
3 assemble the information requested, to notify third persons or agencies  
4 affected by the request, or to determine whether any of the information  
5 requested is exempt and that a denial should be made as to all or part  
6 of the request. In acknowledging receipt of a public record request  
7 that is unclear, an agency, the office of the secretary of the senate,  
8 or the office of the chief clerk of the house of representatives may  
9 ask the requestor to clarify what information the requestor is seeking.  
10 If the requestor fails to clarify the request, the agency, the office  
11 of the secretary of the senate, or the office of the chief clerk of the  
12 house of representatives need not respond to it.

13       (3) A request may be denied by the agency if the requesting party  
14 has an outstanding balance with the agency for unpaid charges for  
15 records previously provided.

16       (4) Denials of requests must be accompanied by a written statement  
17 of the specific reasons therefor. Agencies, the office of the  
18 secretary of the senate, and the office of the chief clerk of the house  
19 of representatives shall establish mechanisms for the most prompt  
20 possible review of decisions denying inspection, and such review shall  
21 be deemed completed at the end of the second business day following the  
22 denial of inspection and shall constitute final agency action or final  
23 action by the office of the secretary of the senate or the office of  
24 the chief clerk of the house of representatives for the purposes of  
25 judicial review.

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