

WAC 323-10-040 Processing of public records requests—General.

(1) Order of response. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

(2) Acknowledging receipt of request. Within five business days of receipt of the request, the public records officer will do one or more of the following:

(a) Make the records available for inspection or copying;

(b) If copies or scanned documents are requested and terms of payment are met, send the copies to the requestor;

(c) Provide a reasonable estimate of when records will be available;

(d) Seek clarification of a request;

(e) Revise the estimate of when records will be available; or

(f) Deny the request.

(3) Failure to respond. If the military department does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.

(4) Seeking clarification of a request. The military department may seek clarification of a request that is unclear or does not sufficiently identify the requested records. Such clarification may be requested and provided by telephone. If the requestor does not respond to the request for clarification within thirty days of the military department's request, the requestor's request will be deemed abandoned and may be closed by the military department.

(5) Protecting rights of others. In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(6) Records exempt from disclosure. Some records are exempt from disclosure, in whole or in part. If the military department believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(7) Inspection of records.

(a) Consistent with other demands, the military department shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy.

(b) The requestor must claim or review the assembled records within thirty days of the military department notification to him or her that the records are available for inspection. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to claim or review the records. If the requestor or a representative

of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the military department may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(8) Providing copies of records. After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

(9) Providing records in installments. When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(10) Completion of inspection. When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the military department has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(11) Closing withdrawn or abandoned request. When the requestor either withdraws the request or fails to fulfill his or her obligations to clarify the request, inspect the records, or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that the military department has closed the request.

(12) Later discovered documents. If, after the military department has informed the requestor that it has provided all available records, the military department becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

[Statutory Authority: RCW 42.56.010 and 42.56.100. WSR 12-09-089, § 323-10-040, filed 4/18/12, effective 5/19/12; § 323-10-040, filed 2/13/74.]