
SENATE BILL 6543

State of Washington

66th Legislature

2020 Regular Session

By Senators Short and Hunt

1 AN ACT Relating to penalties against agencies which subsequently
2 discover and produce additional responsive records after the close of
3 an initial public records production; and amending RCW 42.56.520.

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

5 **Sec. 1.** RCW 42.56.520 and 2017 c 303 s 3 are each amended to
6 read as follows:

7 (1) Responses to requests for public records shall be made
8 promptly by agencies, the office of the secretary of the senate, and
9 the office of the chief clerk of the house of representatives. Within
10 five business days of receiving a public record request, an agency,
11 the office of the secretary of the senate, or the office of the chief
12 clerk of the house of representatives must respond in one of the ways
13 provided in this subsection (1):

14 (a) Providing the record;

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

20 (c) Acknowledging that the agency, the office of the secretary of
21 the senate, or the office of the chief clerk of the house of

1 representatives has received the request and providing a reasonable
2 estimate of the time the agency, the office of the secretary of the
3 senate, or the office of the chief clerk of the house of
4 representatives will require to respond to the request;

5 (d) Acknowledging that the agency, the office of the secretary of
6 the senate, or the office of the chief clerk of the house of
7 representatives has received the request and asking the requestor to
8 provide clarification for a request that is unclear, and providing,
9 to the greatest extent possible, a reasonable estimate of the time
10 the agency, the office of the secretary of the senate, or the office
11 of the chief clerk of the house of representatives will require to
12 respond to the request if it is not clarified; or

13 (e) Denying the public record request.

14 (2) Additional time required to respond to a request may be based
15 upon the need to clarify the intent of the request, to locate and
16 assemble the information requested, to notify third persons or
17 agencies affected by the request, or to determine whether any of the
18 information requested is exempt and that a denial should be made as
19 to all or part of the request.

20 (3)(a) In acknowledging receipt of a public record request that
21 is unclear, an agency, the office of the secretary of the senate, or
22 the office of the chief clerk of the house of representatives may ask
23 the requestor to clarify what information the requestor is seeking.

24 (b) If the requestor fails to respond to an agency request to
25 clarify the request, and the entire request is unclear, the agency,
26 the office of the secretary of the senate, or the office of the chief
27 clerk of the house of representatives need not respond to it.
28 Otherwise, the agency must respond, pursuant to this section, to
29 those portions of the request that are clear.

30 (4) Denials of requests must be accompanied by a written
31 statement of the specific reasons therefor. Agencies, the office of
32 the secretary of the senate, and the office of the chief clerk of the
33 house of representatives shall establish mechanisms for the most
34 prompt possible review of decisions denying inspection, and such
35 review shall be deemed completed at the end of the (~~second~~) fifth
36 business day following the denial of inspection and shall constitute
37 final agency action or final action by the office of the secretary of
38 the senate or the office of the chief clerk of the house of
39 representatives for the purposes of judicial review.

1 (5) If, within fifteen business days after the last production of
2 a record, the agency determines that additional responsive records
3 exist and produces such responsive records, then the court may not
4 assess any penalties under RCW 42.56.550(4) for denial of the right
5 to inspect or copy a record.

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