

# PUBLIC RECORDS REQUESTS UNDER THE WASHINGTON STATE PUBLIC RECORDS ACT

The University of Washington is subject to the Washington State Public Records Act, which defines the public's right to access public records in the context of a broad mandate for open government. It is important to understand the scope of this act and the requirements it imposes on public agencies and their employees, including those at the University of Washington.

**What are public records?** The definition of a public record is very broad and includes electronic records such as email and database information, regardless of where stored. You should presume that any record which is used in the operation of the University and which is prepared, owned, used or retained by the University is a public record. Certain public records are exempt from disclosure, but exemptions are interpreted narrowly; even if a record is exempt, it must be collected as part of the response and individually identified to the requestor as exempt. This includes records believed to be covered by the Attorney-Client privilege.

**Who can submit a public records request?** Any member of the public may submit a public records request. As long as the request seeks identifiable records, there are no limits on what can be asked for or the number of records that can be requested. Nor does it matter why a person is asking for records.

**Who has responsibility for responding to public records requests?** The University of Washington Public Records Office is responsible for coordinating the University's responses to public records requests; its role often includes obtaining clarification or narrowing of a request. If you have any questions about what a request is seeking, including how to interpret words or phrases, call the UW Public Records Office, 543-9180. If your questions are legal in nature, the UW Public Records Office will work with you in seeking legal advice.

**What are UW employee requirements in this process?** As a University faculty or staff employee, you are required to fully assist the University in responding to requests for public records. This includes promptly responding to all requests for assistance from the UW Public Records Office. When that office asks you to search for records responsive to a public records request, you must undertake a complete search for any and all records described in the request. All records responsive to a request must be provided to the UW Public Records Office. This includes records you consider confidential, documents that may be covered by the attorney-client privilege, documents that have passed their retention date but have been retained, or documents that could have been disposed of per contractual obligations but were not.

**Are there time requirements for a request?** The University is obligated to promptly respond to a public records request and can be made to pay very costly fines plus attorney's fees if it does not comply with this obligation (or its obligation to disclose or specifically exempt all responsive records) - currently up to \$100 per document per day. Someone who is not satisfied with the University's response to a public records request for any reason, including the pace of a response, can appeal to the President of the University. After that, or possibly even before that, they can sue the University.

**Who covers the costs of meeting these requests?** It can often be quite costly, particularly in employee time, to comply with public records requests. The University is not able to recover the costs it incurs in responding to a public records request other than the current rate of fifteen cents per copied page, which is retained by the Public Records Office.

**Can I ever throw anything away?** Files may be cleaned or updated in the normal course of business, keeping in mind the [UW Records Retention Schedule](#). However, once a public records request has been received, all documents maintained in any format, hard copy, electronic or otherwise, that are involved in that request must be maintained and may not be destroyed or altered until the University has fully complied with the request.

**What are the specific steps UW faculty and staff employees need to take in order to fulfill their obligation to assist the University in its response to a public records request?**

1. Identify all locations that may have records that are potentially responsive to the request. Be sure to include the Records Management Services or any off-site location in your assessment. Do not assume that someone else is going to provide records that you also have in your control.
2. Take immediate steps to preserve potentially responsive records from destruction or alteration.
3. Promptly estimate the amount of effort and time that will be required to identify and make copies of potentially responsive records and promptly communicate this to the UW Public Records Office. Direct any questions about the request to the UW Public Records Office.
4. Develop a plan for identifying and copying potentially responsive records as initially worded or as narrowed later if this occurs. The University often discloses records for large requests in installments over time.
5. Provide single-sided copies of all potentially responsive documents to the UW Public Records Office. Include a copy of the request so that the UW Public Records Office can track which set of documents is linked to which request. You may hand-deliver the copies or send via campus mail.
6. Let the UW Public Records Office know if you have any concerns about the disclosure of any particular records. Do not withhold records from the UW Public Records Office because you think they are not responsive or should not be disclosed. The UW Public Records Office is charged with the authority to make these decisions in consultation with you.