



# Public Records Data Reporting

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Guidance for state and local agencies on tracking of public records data and performance metrics for annual reporting

Provided by the [Joint Legislative Audit and Review Committee](#)

# INTRODUCTION

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In 2017 the state Legislature directed certain state and local agencies to report annually on performance metrics related to public records retention, management, and disclosure. The Joint Legislative Audit and Review Committee (JLARC) is responsible for providing a method for reporting, and for establishing standardized metrics for these reporting requirements.

Pursuant to this legislative directive, JLARC, in consultation with state and local agencies has created guidance for agencies to follow when reporting their public records data. JLARC is providing this comprehensive handbook to be used by the public records professionals and others in state and local agencies who will be responsible for documenting the information that is submitted to JLARC annually.

The handbook is separated into two main parts: Chapter 1 covers the guidance to agency public records professionals when developing and maintaining their systems to collect the data necessary to comply with reporting requirements. Chapter 2, which is not yet developed, will provide detailed guidance on how to submit the data through JLARC's data collection system. That system is currently being procured. Once it is in place and fully configured, detailed instructions on its use will be provided. This information is expected to be available in the spring of 2018.

## **WHICH AGENCIES ARE REQUIRED TO REPORT?**

Each state and local agency with at least \$100,000 of staff and legal costs associated with fulfilling public records requests in the preceding fiscal year is **required** to report; state and local agencies that spent less than \$100,000 **may voluntarily** submit reports. [See ESHB 1594, Sec. 6(5)]

### ***What is an "agency"***

According to the Public Records Act (PRA), "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency. [RCW 42.56.010(1)]

In most cases, it is clear whether an organization is considered an "agency" for the purposes of the PRA. In some cases, however, it may be less apparent. For example, each city is considered a separate agency. However, a county may be comprised of several "agencies" as each separately elected official may control an independent department that would qualify as an agency. In that case each of the separate county agencies would make its own determination about whether it meets the \$100,000 threshold for required reporting.

### ***How to determine whether an agency meets the \$100,000 threshold***

In order to determine whether an agency meets the \$100,000 spending threshold, the agency should consider the following cost components:

- **Public Records Staff Compensation.** This typically includes Public Records Officers (PROs) and other staff whose duties as set forth in their job description specifically

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include responding to public records requests. Costs should include the base wages and benefits per FTE, based on the percent of their time spent on public records requests. Once a total amount for base wages and benefits is identified, an assumed overhead rate should be applied to generate a total staff compensation cost.

- **Staff compensation for staff for whom responding to public records is not a primary duty.** It is important to capture an estimate of the cost attributable to other staff who participate in identifying records for disclosure. In most organizations today, properly assisting in the response to records requests is a responsibility shared by most staff, not just the public records officers. Agencies that have not kept detailed timekeeping for staff for whom public records is not a primary duty should use a reasonable estimating methodology to establish a cost estimate for this work. For example, a random sampling of public records requests could be selected for detailed timekeeping and the resulting information then could be used to extrapolate. As with the staff compensation above, these costs should include base wages, benefits and an assumed overhead rate.
- **Legal costs associated with responding to public records.** This includes the costs incurred through the use of outside counsel or in-house chargebacks to advise on exemptions, review responses, etc. Costs incurred in responding to litigation do not need to be included in determining whether the agency has met the \$100,000 reporting threshold. (If the agency is reporting, however, that data will be needed to respond to one of the performance metrics.)

In an effort to make it easier for agencies to complete this reporting threshold analysis, JLARC has prepared a simple excel-based calculation worksheet. [[COST ESTIMATION WORKSHEET – THRESHOLD ONLY](#)] Use of this worksheet is completely discretionary and is provided only as a tool. This is for your agency's internal use only. *NOTE: Agencies are NOT REQUIRED to use this worksheet nor are they required to submit the calculations they use to determine whether they meet the \$100,000 threshold. Agencies will only be required to attest that they have completed an analysis of their costs and they do, or do not, meet the \$100,000 reporting threshold.*

### **ALL AGENCIES WILL BE REQUIRED TO SUBMIT AN ATTESTATION**

**All agencies must submit to JLARC an attestation that:**

- The agency has conducted a reasonable assessment of their public records-related expenditure.
- Based on that assessment the agency has determined either
  - The agency did not spend more than \$100,000 responding to public records requests in the past fiscal year and, therefore, the agency is not subject to the annual reporting requirement for this reporting period.
  - The agency did not spend more than \$100,000 responding to public records requests in the past fiscal year, however the agency will voluntarily submit a report.

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- The agency did spend \$100,000 responding to public records requests in the past fiscal year and will submit a report.

Agencies will be able to submit this attestation via the reporting system once it is in place. Alternate methods of submitting an attestation for those agencies that will not be reporting may also be made available after the end of the initial reporting period (December 31, 2017.)

### **DATA QUALITY IS THE RESPONSIBILITY OF EACH REPORTING AGENCY**

JLARC will be collecting the data reported, and providing a method for the public and the legislature to view and analyze the data. JLARC will not, however, be auditing the accuracy of the data submitted. Each agency is ultimately responsible for the accuracy and completeness of its annual reported data. It is therefore essential for agencies to take steps to ensure they are adequately tracking all of the information necessary to complete the annual report sections detailed below. Agencies that use a tracking or case management system for this purpose are responsible for ensuring the system they are using can produce accurate data that is in compliance with the law and this guidance. Accordingly, agencies should exercise due diligence in testing the systems they are using to produce the data for reporting and correct any identified deficiencies.

### **PROCESS FOR ANNUAL REPORT COMPLETION**

The annual reporting period will be based on a calendar year. For this initial reporting period, the data to be reported by July 1, 2018 will cover the period July 23, 2017 (the date the legislation went into effect) to December 31, 2017. Reports submitted in future years will be for the entire prior calendar year. Because JLARC guidance was not published until mid-November, JLARC recognizes that many agencies did not collect data in a manner consistent with these guidelines. With that said, agencies should make a good faith effort to provide the best quality data available.

JLARC expects that there will be many insights gained from the initial reporting cycle that can be used to improve the guidance in the future.

As noted above, JLARC is currently defining and procuring a data collection system. Once that system is in place, additional guidance will be provided to explain how and when to submit your data.

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State law requires some state and local agencies to report on numerous performance metrics regarding their administration of the public records act each year. The successful production of each agency's data depends on the agency's ability to properly track the data. This chapter is designed to provide assistance to public records professionals and others assisting with this effort to collect data in a standardized way.

### GENERAL GUIDANCE

**Each agency will submit a single report:** To ensure data is submitted in a consistent way, and to avoid duplication or confusion, only one report will be accepted for each agency. Although the reporting system is expected to be designed to accommodate edits or corrections to be made to a submitted report, multiple reports for the same agency will not be accepted. Each agency should identify a single individual to be responsible for that task.

**Data Quality:** All agencies should take adequate steps to ensure that the information regarding the number of public records requests, their status and dispositions, as well as the time spent processing them is accurate so as to provide a meaningful report of such activities.

**Calculating Number of Days:** For the purposes of calculating the number of days for the report, the day the request is received is considered "day 0." Agencies should only count working/business days in their calculation on the five-day response, and should use calendar days for all other calculations involving dates.

**Less than One Day:** When an agency is calculating the number of days it takes to respond to a request, the day after the request is received is considered "day 1" of the statutory response period. If an agency receives, processes, and responds to a request all on the same day, the time it takes to do so constitutes less than one day (<1), but it is not zero days. When calculating average days, agencies should treat <1 as a value of 1.

### SPECIFIC GUIDANCE

The new law specifies public records performance metrics that agencies are required to report on. Most metrics require two or more data points in order to calculate a total (such as staff and legal costs) or to calculate an average. The guidance below will provide the metric being measured. The specific data points needed to respond to the metric are identified and additional guidance or clarifying information is also provided as appropriate.

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## AGENCY INFORMATION AND BASELINE DATA

Your agency will be asked to provide basic identifying information.

- Agency Name
- Agency Type (city, county, special district, school district, etc.)
- Name, title, and contact information of the individual responsible for Public Records Data reporting
- Alternate contact (in the event JLARC has to contact the agency and the primary reporting individual is unavailable.)
- Attestation that the agency has evaluated their staff and legal costs and has determined that they are or are not required to submit an annual report.

For those agencies that are required to submit a report, or will be submitting a report voluntarily, the following additional baseline data will be required. The baseline data will be used by the reporting system to automate some of the calculations included in the reporting tool. By automating calculations where possible, JLARC hopes to reduce the burden on agencies and avoid calculation errors.

- Total number of open public records requests at the start of the reporting period
- Total number of public records requests received during the reporting period
- Total number of public records requests closed during the reporting period

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- **METRIC 1: Leading practices and processes for records management and retention implemented, including technological upgrades**  
*[ESHB 1594, Sec. 6(5)(a)]*

JLARC is gathering information on leading practices being used in agencies to improve the quality and efficiency of records management and retention. Information provided by agencies in the 2018 reporting cycle will help establish a baseline for future reporting. Please indicate what, if any, leading practices your agency uses in the following areas:

- **Responsibility Assigned** – A single individual in the agency has been assigned overall responsibility for overseeing the management and retention of records.
- **Policies and Procedures Exist** – The agency has written policies and procedures for managing and retaining records.
- **Tools Available** – The agency has tools for managing, retaining and searching records.
- **Staff Trained** – The agency staff have received training on how to manage and retain their records.
- **Retention Requirements Understood** – The agency knows how long each type of record needs to be retained.
- **Records are Inventoried** – The agency knows what records they have, where they are and what formats they are in.
- **Records are Organized** – The agency keeps records organized to help with access, security and destruction / transfer.
- **Records are Kept for Required Time Periods** – The agency keeps records for the minimum retention period in the approved records retention schedules.
- **Records are Destroyed / Transferred** – The agency destroys “non-archival” records and transfers “archival” records to Washington State Archives at the end of minimum retention period.
- **Disaster Preparedness** – The agency has plans and backups of records needed to resume critical operations in the event of a disaster.
- **Other** – If your agency is implementing a records management practice that you believe is a leading practice but is not included in the list above, please describe below. *[Your response is limited to 250 characters.]*

NOTE: JLARC is continuing to work with the Secretary of State’s Office to develop further definition around these leading practices.

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- **METRIC 2: Average time to respond to a public records request**  
*[ESHB 1594, Sec. 6(5)(b)]*

**This metric is asking for the average number of days it took your agency to respond to public records requests pursuant to RCW 42.56.520 received during the reporting period.**

To respond to this metric an agency will need the following:

- Total number of requests received during the reporting period (this information will be provided with the baseline data.)
- Total number of requests open at the beginning of the reporting period (this information will also be provided with the baseline data.)
- Total number of days it took to respond to all requests. This is calculated by adding together the number of days it took the agency to respond to each request.
- The reporting system will automatically calculate the average time to respond based on the information provided.

**Example:** if an agency received 10 requests, three were responded to the same day received (counted as 1), five were responded to on Day 3, and two were responded to on Day 5:

$$\begin{array}{r} 3 \times <1 \text{ day} = 3 \\ 5 \times 3 \text{ days} = 15 \\ \underline{2 \times 5 \text{ days} = 10} \\ \text{Total} \quad = 28 \end{array}$$

28 total days divided by 10 requests = 2.8 days on average to respond to a public records request.

- For purposes of responding to this metric, the term “respond” is used consistent with RCW 42.56.520. That statute requires that within five days of receiving a public record request an agency must respond in one of five ways:
  1. Provide the record;
  2. Provide an internet address and link (or provide copies or a way to view copies);
  3. Acknowledge the request and provide a reasonable estimate of the time it will require to respond;
  4. Acknowledge the request and request clarification; or
  5. Deny the request.



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- Some agencies have not tracked the number of days between the date the request is received and the date of the agency’s response, choosing instead to track only that a five-day response was sent out within the appropriate time. If your agency does not currently track the date the five-day response is sent out, please indicate that and provide the total number of requests for which a five-day acknowledgment letter was sent out after the five-day period expired.
- “Received” means being received within standard business hours. (Typically, standard business days are Monday through Friday, excluding holidays, and standard business hours are 8:00 a.m. to 5:00 p.m. An individual agency’s standard business hours may differ.)

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- **METRIC 3: Percent of requests completed within five days of receipt and the percent of requests where an estimated response time beyond five days is provided**  
*[ESHB 1594, Sec. 6(5)(c)]*

To respond to this metric, agencies will need to provide the following data:

- Total number of public records requests received during the reporting period. (This data is provided in the baseline data.)
- Number of public records requests received during the reporting period that were closed within five business days of receipt of the request. (For example, requested records were provided in full to the requester, a link was provided to the specific records requested, or the request was denied in full based on an exemption.)
- Number of public records requests received during the reporting period for which the requester was provided an estimate of anticipated response time beyond five business days of receipt of the request.
- Number of public records requests fulfilled within five business days of receipt of request, but the requester did not provide sufficient information (address, email, phone, etc.) to transmit the requested records.
- The reporting system will automatically calculate the average time to respond based on the information provided.
- For the purpose of responding to this question, “closed” means that all the public records requested were either:
  - delivered to the requester in person, postmarked, or otherwise **sent** out by the agency;
  - made available upon payment;
  - made available for on-site review;
  - made available for pickup;
  - the requester was sent a response informing the requester the agency has no responsive records or the records requested are exempt from disclosure.

Note: If the requested records were sent by private or public delivery service (e.g., US Postal Service, FedEx, etc.) they may be **received** by the requester outside the five-day period. In-transit days should not be included in this calculation.

- “Closed” does NOT include requests that were provided an estimated response time (beyond the five days) or requests that required clarification (unless, once clarified, they were completed/closed within five days.)

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- ▶ **Metric 4: Average number of days from receipt of request to the date of final disposition of request.**

**To respond to this metric, agencies will need to provide the following data:**

- The total number of requests for which there was a final disposition during the reporting period.
- The total number of days to final disposition. Determining this number will require you to do the following:
  - Determine the number of days between the date the request is received and the date of final disposition for **each request** for which there was a final disposition during the reporting period. This metric can be derived from data maintained in an agency’s Public Records Requests log. ESHB 1594, Sec. 6(4) requires that public agencies must maintain a log that tracks, among other data, the date each request is received and the date of final disposition of each request.
  - These totals should be added together to calculate a **total number** of days to final disposition.
- For purposes of this metric, the “date of final disposition” is considered the same as the date the request is closed. If you choose to calculate the data required for this metric using a source other than the Public Records Request log, please calculate the number of days between the date the request is received and the date the request is closed. (See Metric 3 for a more detailed definition of the term “closed.”)
- The reporting system will calculate an average number of days to final disposition based on these two data points. (Number of days to final disposition ÷ Number of requests = Average number of days to final disposition.)

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- ▶ **METRIC 5: Average time *estimate* provided for full disclosure as compared to average *actual* time to provide full disclosure**  
*[ESHB 1594, Sec. 6(5)(d)]*

To respond to this metric an agency will need to provide the following information:

- Number of public records requests where the agency’s initial response provided an **estimate of when full disclosure** of the responsive records would be provided. Of this subset of public records requests, also provide:
  - Average time ***estimate*** provided for full disclosure
  - Average ***actual*** time taken to provide full disclosure.
- Please include in the count **only** those that received an estimate of when **full disclosure** would be provided. Do NOT include in this count requests that were closed within five days of receiving the request or those requests that received an estimate of when the first installment would be made.
- To determine the average initial estimated time provided to the requester, add together the initial estimated time for full disclosure provided for each request. Divide that figure by the number of requests where an initial estimate of time for full disclosure was provided. The result will be the average initial estimated time for full disclosure. Follow the same approach for determining the average actual time taken to provide full disclosure. For example:

Request	Estimated Time to Full Disclosure (in days)	Actual Time to Full Disclosure (in days)
1	10	6
2	10	8
3	21	22
4	21	20
5	21	21
6	21	15
7	21	18
8	30	30
9	30	30
10	30	30
<b>TOTAL</b>	<b>215</b>	<b>200</b>

In this example, the average estimated time to full disclosure would be 21.5 days (215 total days ÷ 10 requests) and the actual time to full disclosure would be 20 days (200 total days ÷ 10)

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- ▶ **METRIC 6: Total number of public records requests for which the agency formally sought additional clarification from the requester**  
*[ESHB 1594, Sec. 6(5)(e)]*

**To respond to this metric an agency will be asked to provide the number of requests for which the agency formally sought additional clarification from the requester.**

- For the purposes of responding to this metric, include in your count only those requests where, without further guidance from the requester, you would not be able to fulfill the request in part or in full.
  - In some cases, one portion of a request may be clear and the agency proceeds to fulfill it. But another portion may require clarification before the agency can proceed. Requests like these should be included in the count because the agency cannot fulfill some portion of the request without further clarification.
- The count provided for this metric should include any request for which the agency formally sought additional clarification made during the reporting period, regardless of when the request was received.
- When a request is received that is unclear, some agencies will communicate to the requester that the agency is interpreting the request to mean a certain thing and is fulfilling the request based on that interpretation. If that interpretation is inaccurate or incomplete, the requester is asked to clarify. In an event such as this, if the agency continues to attempt to fulfill the request based on the assumed interpretation it should not be included.
- In most cases, “formal” request for clarification will be a written communication (e.g., email or letter.) There may be some cases where formal clarification will be documented in some other way. For example, if a requester provided only a phone number (no email address or physical address), the request may be made orally and documented in a log. In such cases please include in the count for this metric.

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- ▶ **METRIC 7: Total number of requests denied and the most common reasons for denying requests**  
*[ESHB 1594, Sec. 6(5)(f)]*

**To respond to this metric, agencies will be asked to provide two numbers:**

- Number of requests closed in the reporting period that were denied in full
- Number of requests closed in the reporting period that were denied in part and/or where records provided included one or more redactions

**In addition, agencies will be asked to provide the agencies' five to 10 most common reasons for denying requests during the reporting period.**

- For the purpose of responding to this metric “denied in full” means there are responsive records but all records are withheld.
- “Denied in part” means that one or more responsive records are provided to the requester, but one or more records are withheld.
- “Where records provided included one or more redactions” means that records were provided but were redacted.
- Please do not count each individual redaction as a separate denial. If the responsive records being provided to the requester include one or more redactions, please simply count that as one request.
- Do not include requests where there were no responsive records.
- There are multiple reasons for denying a request in full. Some reasons for denials in full might include:
  - A categorical exemption applies
  - The agency is prevented from disclosing records because of a court injunction
  - The request was determined to be a “bot” request

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- ▶ **METRIC 8: Total number of requests abandoned by requesters**  
*[ESHB 1594, Sec. 6(5)(g)]*

**To respond to this metric, agencies will be asked to provide the total number of requests abandoned by requesters during the reporting period.**

Examples of when a request may be considered abandoned include:

- The requester explicitly withdraws the request at any time during the fulfillment of the request.
- The requester fails to claim or review the records or an installment in a timely way.
- The requester fails to pay for requested files.
- The requester fails to respond to a request for clarification in a timely way.
- The requester does not timely provide a signed declaration that a list of individuals, as requested, will not be used for a commercial purpose. (See RCW 42.56.070, Sec. 8)

For purposes of responding to this metric, a request may be considered abandoned at any appropriate time, up to the time when full disclosure would have been provided had not one of the examples above occurred.

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- ▶ **METRIC 9: Total number of requests, by type of requester**  
*[ESHB 1594, Sec. 6(5)(h)]*

**To respond to this metric, agencies will be asked to indicate the number of requests received during the reporting period by type of requester, to the extent known by the agency.**

- The reporting system will require a breakdown of the number of requests by the following requester types:
  - Individuals
  - Law firms
  - Organizations
  - Insurers
  - Governments
  - Incarcerated persons
  - Media
  - Current or former employees
  - No information or insufficient information provided
  - Other
- Agencies should only include data that is provided by the requester voluntarily, without prompting. Agencies should not query requesters about who they are or whether they represent any type of organization in order to respond to this metric.

The JLARC system is expected to include a validation edit to ensure that the number of claims identified on this chart match the total number of requests received identified in the baseline data and will alert the reporter if there is an inconsistency.



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- ▶ **METRIC 10: Percent of requests fulfilled electronically compared to the percent of requests fulfilled by physical records**  
*[ESHB 1594, Sec. 6(5)(i)]*

**For the public records requests closed in the reporting period, an agency will need to provide five data points:**

- Total number of requests closed in the reporting period (provided in the baseline data)
- Total number of requests **fulfilled entirely by electronic means** (includes, but is not limited to, email, memory sticks, CDs, file transfer sites, links to on-line documents, etc.)
- Total number of requests **fulfilled entirely by providing physical records**
- Total number of requests **fulfilled by a combination** of electronic means and physical records
- Total number of requests closed where there were no responsive records or the request was closed for some other reason without being fulfilled.

A request is “fulfilled” when an agency makes the records available for inspection, pick-up, or delivery by some other means upon payment. If a requester abandons a request by not coming to inspect or paying for the records, the request is still considered fulfilled for purposes of this metric.

Agencies will only need to provide totals. The JLARC system will be designed to calculate the percentages automatically.

Note: When totaled, these last four data points should equal the “total number of requests closed during the reporting period” provided in the baseline data. The JLARC system is expected to provide a flag if these numbers do not match to alert the reporter that there is an inconsistency.

Requests that are fulfilled by inspection of records should be included in the categories listed, based on how they are provided for inspection. For example:

- Paper records that are provided for inspection would be included in the “total number of requests fulfilled entirely by providing physical records.”
- If the requester asks that some of these paper records be scanned in and produced **by the agency** after inspection is complete, count the request as “fulfilled by a combination of electronic means and physical records.”
- However, if paper records are produced for inspection, and **the requester** photographs or scans the document into their personal scanner, count the request as “fulfilled entirely by providing physical records.”

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- ▶ **METRIC 11: Total number of requests where one or more physical records were scanned to create an electronic version to fulfill disclosure [ESHB 1594, Sec. 6(5)(j)]**

To respond to this metric, an agency will need to provide the number of requests closed during the reporting period that involved the scanning of one or more physical records to create an electronic version in order to fulfill the disclosure request.

- In calculating a total, the reason for scanning does not matter. The total number reported for this metric should include both:
  - the number of requests where documents were scanned because the requester **required** the records in an electronic format, and
  - the number of requests where the agency scanned the documents because production of the electronic version is **preferred** either by the agency or the requester.
- In responding to this question, please include the **total number of requests** that involved document scanning, **not the number of documents scanned**. For example, if Agency A received a single request in the reporting period that asked for 10 one-page documents that are currently retained by the agency in paper form, and the agency scanned those 10 pages to provide to the requester, the response to this question would be “1”, not “10”.
- This metric focuses only on instances when a paper document is scanned to create an electronic version of the document (e.g., a PDF). It does NOT include electronic records that are **converted** to another electronic format. (For example, converting an email to a PDF document.)

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- ▶ **METRIC 12: Average estimated staff time spent on each public records request**  
*[ESHB 1594, Sec. 6(5)(k)]*

To respond to the metric an agency will only need to provide the total estimated amount of agency staff time spent on public disclosure requests. The JLARC system is expected to be able to automatically derive an average staff time per request based on the data reported using the time data provided here, and the total number of requests provided in the baseline data (open requests at the start of the reporting period plus the number of requests received during the reporting period.)

- Responses should include a single total estimate of staff time for all agency staff. The total estimate should include both:
  - staff who are designated to respond to public records requests (Public Records Officers and other staff whose primary job duties as set forth in their job description specifically includes responding to public records requests) AND
  - staff for whom responding to public records requests is not one of their primary job duties in their job description (e.g., business staff, line staff, managers, supervisors, administrative staff, etc.).
- Please note agencies will not be required to submit subtotals by staff type. Agencies will only be required to submit a total estimate of staff time. The distinction between staff type is made in this guidance to ensure agencies understand that time associated with both types of staff must be included in the total estimated time reported.
- Some agencies maintain detailed timekeeping of staff time associated with public records related work. Other agencies do not currently have timekeeping systems in place and will need to estimate the amount of staff time spent on responding to public records requests. There are many ways of estimating staff time and JLARC does not require a specific method.
- **Example:**
  - Agency A has three staff assigned to work half-time on public records requests. Each of the three staff are estimated to have spent 800 hours on public records during the reporting period, for a total of 2,400 hours estimated designated staff time.
  - During the reporting period 50 non-designated staff members spent 500 total estimated hours of non-designated staff time.
  - Total estimated staff time for Agency A for the reporting period was 2,900 hours (2,400 hours of designated staff time plus 500 hours of non-designated staff time).

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- The JLARC system will derive an average of staff time spent per request by using the total estimated staff time, and dividing by the number of requests from the baseline data (number of open requests at start of reporting period plus number of requests received during the reporting period.)
- The examples above show two possible ways of estimating staff time per request. Your agency may use alternative methods of estimating staff time. Care should be taken to develop time estimates that are as accurate as possible. If your agency does not maintain a timekeeping system that captures this information, your agency may want to consider using estimating techniques to develop this data. For example, your agency may conduct detailed timekeeping on a sample of records requests and use the results to estimate across all requests.
- Time estimates should include time spent responding to requests and time spent on public records litigation.
- Time associated with invoicing and collection should be included here.

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- ▶ **METRIC 13: Estimated total costs incurred by the agency in fulfilling records requests, including staff compensation and legal review and average cost per request [ESHB 1594, Sec. 6(5)(I)]**

**To respond to this metric an agency will need to provide the agency’s total estimated costs incurred in fulfilling public records requests during the reporting period for staff compensation, legal review and supplies and services.**

- Please provide the total costs only. The JLARC system will be designed to generate the average cost per request, using the cost data provided here and the baseline data provided previously (total open requests at start of the reporting period, plus the number of requests received during the reporting period.)
- Please provide the total estimated costs for staff compensation, legal review, and any supplies or services procured for the purpose of responding to public records requests during the reporting period. If your agency does not currently maintain detailed data on staff time and costs associated with public records you may use reasonable estimating techniques to determine the amount of time (captured in Metric 12) and the associated cost of that staff time. Care should be taken to develop cost estimates that are as accurate as possible.
- Supplies and services may include items such as External services (e.g., printing services, large format printing), mailing costs, supplies (CDs, DVDs, USB sticks, etc.), recurring software licensing, and other professional services (non-litigation related).
- A worksheet is available to help you determine these costs for reporting purposes. [\[PUBLIC RECORDS COST ESTIMATION WORKSHEET\]](#) **You are not required use or to submit the estimation worksheet.** It is provided solely as a tool to use at your agency’s discretion. Agencies using this worksheet should include in the total cost reported here the sum of:
  - Agency staff costs (cell C6)
  - Legal costs – non-litigation (cell C7) and
  - Supplies and services
- Costs of staff time associated with invoicing and collection should be included.
- Do NOT include costs associated with public records requests litigation as these costs will be captured separately in Metric 15.

## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

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- ▶ **METRIC 14: Total number of claims filed alleging a violation of Chapter 42.56 or other public records statutes during the reporting period, categorized by type and exemption at issue (if applicable)**  
*[ESHB 1594, Sec. 6(5)(m)]*

To respond to this metric, an agency will need to provide the number of claims filed in court during the reporting period that allege a violation of chapter 42.56 RCW or other public records statutes in the reporting period involving the agency, categorized by type and exemption at issue.

- A **claim type** may include claims such as the agency did not provide a timely response, the agency failed to complete a thorough search, failure to produce an exemption log, unreasonable charges, etc.
- An **exemption** refers to a statutory exemption. A list of statutory exemptions to the public records act is provided by the Washington Code Reviser. [\[Link to Code Reviser's List of Statutory Exemptions.\]](#)
- Claims should only be included if they were filed during the reporting period. Do not include on-going claims that were opened prior to the reporting period.
- Claims that are filed and subsequently withdrawn should be included in this number.

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- ▶ **METRIC 15: Total costs incurred by the agency litigating claims alleging a violation of Chapter 42.56 RCW or other public records statutes during the reporting period, including any penalties imposed on the agency**  
*[ESHB 1594, Sec. 6(5)(n)]*

**To respond to this metric, an agency will need to provide the total costs incurred in the reporting period litigating claims alleging a violation of chapter 42.56 RCW or other public records statutes, including any penalties imposed on the agency.**

- Costs may include:
  - Estimated costs of agency staff time incurred while responding to litigation (e.g. responding to discovery, participating in depositions, attending mediation)
  - Attorney fees for agency attorney
  - Other costs for agency representation (e.g. costs associated with production of documents, purchasing deposition transcripts)
  - Settlement amounts
  - Total penalties awarded by Court
  - Attorney fees (for requester’s attorney) awarded by Court
  - Costs (for requester’s litigation) awarded by Court
- Include only those costs incurred after a claim has been filed in court.

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- ▶ **METRIC 16: Estimated costs incurred by the agency with managing and retaining records, including staff compensation and purchases of equipment, hardware, software, and services to manage and retain public records or otherwise assist in the fulfillment of public records requests**  
*[ESHB 1594, Sec. 6(5)(o)]*

To respond to this metric, an agency will need to provide estimated costs associated with managing and retaining records.

- Costs should be broken down into four categories as follows:
  - Cost of agency staff whose primary/major component of their duties involves the managing/retaining of records (such as records officers/managers, data custodians, etc.);
  - Costs associated with the purchase, lease and maintenance of agency systems whose primary/major function involves the managing/retaining of records (such as enterprise content managements (ECM) systems, email storage/vaulting systems, social media capture tools, recording systems, etc.);
  - Costs associated with services purchased in relation to managing/retaining records (such as hosted/software as a service (SaaS) services, Public Records Efficiency, Preservation, and access central services charges for state agencies, records destruction services, etc.);
  - Costs associated with systems/services whose primary/major function involves the fulfillment of public records requests (such as records request tracking systems, redaction software, etc.).
- For purposes of responding to this metric, please include costs associated with systems **specifically or predominantly** designed to assist with managing and retaining records.
- Staff costs should include base wages plus benefits, plus the agency's overhead, calculated for the portion of time they spend on relevant activities.
  - **Example:** Staff Member A is designated as the agency's Records Manager and Public Records Officer, and is compensated at \$100,000 per year inclusive of base wages and benefits.
  - The agency's overhead rate is 35%, bringing the total full-time cost of Staff Member A to \$135,000.
  - If Staff Member A devotes 50% of her time to Records Management activities during the period of this report, the cost would be reported as \$67,500 ( $\$135,000 \times .5$ ). The remaining 50% of Staff Member A's time is devoted to responding to public records requests. That time is not calculated in here, but instead is reflected in Metric 12.)



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- System costs may include the costs incurred during the reporting period on the purchase or lease, and maintenance of hardware, software, software licenses, vendor staffing for implementation and servicing relevant systems.
- Service costs may include payments made to third-party vendors during the reporting period for records management and retention services.

## CHAPTER 1 – GUIDANCE FOR TRACKING DATA

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- ▶ **METRIC 17: Total expenses recovered by the agency from requesters for fulfilling public records requests, including any customized charges**  
*[ESHB 1594, Sec. 6(5)(p)]*

### To respond to this metric, agencies will need to provide:

- Total amount of expenses recovered during the reporting period from requesters for fulfilling public records requests.
- Of the recovered expenses reported, total expenses recovered through customized service charges used during the reporting period.
- Agencies will also need to describe customized service charges implemented.
- Examples of expenses that may be recovered include:
  - Physical copies (e.g., photocopies or printed copies *See RCW 42.56.120 (2)(b)(i)*)
  - Scanned copies (*See RCW 42.56.120 (2)(b)(ii)*)
  - Electronic files or other on-line delivery (*See RCW 42.56.120 (2)(b)(iii)*)
  - Transmission using agency equipment to send electronically (*See RCW 42.56.120 (2)(b)(iv)*)
  - Digital storage media, including delivery (*See RCW 42.56.120 (2)(b)(v)*)
  - Flat fee charged by agency (*See RCW 42.56.120 (2)(d)*)

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- ▶ **METRIC 18: Measures of requester satisfaction with agency responses, communication, and process relating to the fulfillment of public records requests**  
*[ESHB 1594, Sec. 6(5)(q)]*

To respond to this metric, an agency will be asked to identify the measures the agency considers to determine customer satisfaction, as well as the methods the agency uses to collect data on those measures.

For example, measures of customer satisfaction might include:

- Timeliness of response
- Completeness of responses
- Customer service attitude
- Others (please describe)

Some methods of collecting data about those measures include:

- Customer satisfaction survey
- Review of complaints received
- Internal appeals filed
- Claims filed
- Other (please describe)

## APPENDIX A – LIST OF PERFORMANCE METRICS

NO.	METRIC	DATA REQUIRED
NA	BASELINE DATA – this information will be used to assist with automatic calculation of some metrics	<ul style="list-style-type: none"> <li>• Total number of open requests at the start of the reporting period</li> <li>• Total number of requests received during the reporting period</li> <li>• Total number of requests closed during the reporting period</li> </ul>
1	Identification of leading practices and processes for records management and retention, including technological upgrades	Leading practices and processes used in the agency
2	Average time to respond to a public records request.	<ul style="list-style-type: none"> <li>• Total number of requests received during the reporting period (see baseline)</li> <li>• Total number of open requests at the beginning of the reporting period (see baseline)</li> <li>• Total number of business days it took to respond to all requests</li> </ul>
3	Percent of requests completed in five business days of receipt and the percent of requests where an estimated response time beyond five business days is provided	<ul style="list-style-type: none"> <li>• Total number of requests received during the reporting period (see baseline)</li> <li>• Number of public records requests received during the reporting period that were closed within five business days of receipt of the request</li> <li>• Number of public records requests received during the reporting period for which the requester was provided an estimate of anticipated response time beyond five business days of receipt of the request</li> <li>• Number of public records requests fulfilled within five business days of receipt of request, but the requester did not provide sufficient information (address, email, phone, etc.) to transmit the requested records</li> </ul>

## APPENDIX A – LIST OF PERFORMANCE METRICS

NO.	METRIC	DATA REQUIRED
4	Average number of calendar days from receipt of request to final disposition of request	<ul style="list-style-type: none"> <li>• Total number of requests for which there was a final disposition during the reporting period</li> <li>• Total number of days to final disposition for all requests for which there was a final disposition during the reporting period.</li> </ul>
5	Average time <i>estimate</i> provided for full disclosure as compared to average <i>actual</i> time to provide full disclosure	<ul style="list-style-type: none"> <li>• Number of public records requests where the agency’s initial response included an estimate of when full disclosure of the responsive records would be provided</li> <li>• Of this subset of public records requests,               <ul style="list-style-type: none"> <li>○ Average time <i>estimate</i> in calendar days provided for full disclosure</li> <li>○ Average <i>actual</i> time in calendar take to provide full disclosure</li> </ul> </li> </ul>
6	Total number of public records requests for which the agency formally sought additional clarification from the requester	Number of requests for which the agency formally sought additional clarification from the requester
7	Total number of closed requests denied and the most common reasons for denying requests	<ul style="list-style-type: none"> <li>• Number of closed requests denied in full</li> <li>• Number of closed requests denied in part and/or where records provided included one or more redactions</li> <li>• Five to 10 most common reasons for denying requests closed during the reporting period</li> </ul>
8	Total number of requests abandoned by requesters	Number of requests abandoned by requesters during the reporting period
9	Total number of requests, by type of requester	Number of requests received during the reporting period, by type of requester

## APPENDIX A – LIST OF PERFORMANCE METRICS

NO.	METRIC	DATA REQUIRED
10	Percent of requests fulfilled electronically compared to the percent of requests fulfilled by physical records	<ul style="list-style-type: none"> <li>• Total number of requests closed during the reporting period (provided in baseline data)</li> <li>• Number of requests fulfilled entirely by electronic means</li> <li>• Number of requests fulfilled entirely by providing physical records</li> <li>• Number of requests fulfilled by a combination of electronic means and physical records</li> <li>• Number of requests where there were no responsive records or request was otherwise not fulfilled</li> </ul> <p>(Percentages will be system generated)</p>
11	Total number of requests where one or more physical records was scanned to create an electronic version to fulfill disclosure	Number of requests closed during the reporting period that involved the scanning of one or more physical records to create an electronic version in order to fulfill the disclosure request
12	Average estimated staff time spent on each public records request	<p>Total number of open requests and requests received during reporting period (provided in baseline data)</p> <p>Total hours of staff time spent on public disclosure requests</p> <p>(Averages will be system generated)</p>
13	Estimated total costs incurred by the agency in fulfilling records requests, including staff compensation and legal review and average cost per request	<ul style="list-style-type: none"> <li>• Total estimated staff compensation costs</li> <li>• Total estimated legal review costs (excluding litigation costs)</li> </ul>
14	Total number of claims filed alleging a violation of Chapter 42.56 or other public records states during the reporting period, categorized by type and exemption at issue (if applicable)	Total number of claims filed, categorized by type and exemption at issue

## APPENDIX A – LIST OF PERFORMANCE METRICS

NO.	METRIC	DATA REQUIRED
15	Total costs incurred by the agency litigating claims alleging a violation of Chapter 42.56 RCW or other public records statutes during the reporting period, including any penalties imposed on the agency	Total costs incurred by the agency litigating claims during the reporting period
16	Total costs incurred by the agency with managing and retaining records, including staff compensation and purchases of equipment, hardware, software, and services to manage and retain public records or otherwise assist in the fulfillment of public records requests	<ul style="list-style-type: none"> <li>• Estimated staff compensation costs for staff whose duties involve managing and retaining records</li> <li>• Estimated costs associated with the purchase, lease and maintenance of agency systems whose primary/major function involve managing/retaining records</li> <li>• Estimated costs associated with services purchased in relation to managing/retaining records</li> <li>• Estimated costs associated with systems/services whose primary/major function involves fulfillment of public records requests</li> </ul>
17	Total expenses recovered by the agency from requesters for fulfilling public records requests, including any customized charges	<ul style="list-style-type: none"> <li>• Total expenses recovered for fulfilling public records requests</li> <li>• Total expenses recovered through customized charges</li> <li>• Description of the customized charges, if any</li> </ul>
18	Measures of requester satisfaction with agency responses, communication, and process relating to the fulfillment of public records requests	<ul style="list-style-type: none"> <li>• Measures of customer satisfaction</li> <li>• Methods of measuring customer satisfaction</li> </ul>

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If you have questions or would like additional information, please email [JLARCPublicRecordsStudy@leg.wa.gov](mailto:JLARCPublicRecordsStudy@leg.wa.gov) or call us (360) 786-5171.