



# Public Records Data Reporting

Last updated: May 2019

## Updated to reflect 2019 legislative changes

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

Provided by staff to the Joint Legislative Audit and Review Committee

For data collected during  
the 2018 reporting period:  
January 1 – December 31,  
2018

# 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.

A companion document titled “Instructions for Public Records Data Reporting to JLARC” is also available. It provides detailed guidance on how to submit the data through JLARC’s data collection system. This companion document can be found on JLARC’s website.

## **WHAT HAS CHANGED SINCE THE LAST REPORTING CYCLE?**

The most significant change for data collected during the 2018 reporting period is that this report will cover a full year. Because the legislation did not go into effect until July 23, 2017, the first reporting cycle covered only part of that year. This year the reporting period extends from January 1, 2018 to December 31, 2018. Data must be reported to JLARC by July 1, 2019.

After the end of the first reporting period, JLARC and their consulting team from Sightline, LLC reached out to a number of reporting agencies to gather lessons learned. As a result of those discussions, some of the guidance was rewritten to make it clearer and easier to follow. Many agencies reported that they wanted more opportunity to explain any unique circumstances that might result in their data looking different than others, or in some cases the data may look similar but tell a slightly different story because the agencies use different approaches to gathering the data. In response, JLARC has added text boxes to some metrics to allow descriptive narrative and has made some existing text boxes larger to allow for more detail. Comments will be made available in the report but will not be used to adjust any of the data reported.

While many of the edits reflect legislative changes an adjustment has been made to the baseline data:

1. We refined the baseline data slightly by asking agencies to separately report the “total number of open requests that were closed during the reporting period.”

ESHB 1667 has clarified the distinction between reporting on Metric 11 (costs associated with responding to public records requests) and Metric 14 (costs associated with maintenance and retention of public records.)

Other changes this year include:

- All fields must be completed. Because last year was the inaugural reporting period and some agencies had not tracked all of the metrics prior to passage of the legislation, JLARC’s system was designed to allow agencies to leave some metrics blank. For the

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2018 reporting period, it is now mandatory that all fields must be completed. There is one exception to this, related to a new of new data point under metric 3.

- Removal three metrics under ESHB 1667
  - Best practices (formally metric 1)
  - Average estimated time to respond compared to average actual time to respond (formally metric 5)
  - Measures of customer satisfaction (formally metric 18)

## 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 RCW 40.14.026(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 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

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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. This worksheet is available on JLARC's website at [www.jlarc.leg.wa.gov](http://www.jlarc.leg.wa.gov). 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 indicate whether they do, or do not, meet the \$100,000 reporting threshold and, for those agencies who have not exceeded the \$100,000 reporting threshold, whether they will report voluntarily. Each agency will log into the JLARC reporting system and indicate one of the following:

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

Agencies that will not be submitting a report for the 2018 calendar year are strongly encouraged to log onto the JLARC system and indicate that they will not be submitting a report. This lets JLARC know that the agency is aware of the reporting requirement and has determined they do not need to submit a report. Without this information it is difficult for the legislature to determine whether agencies have complied with the reporting requirement.

### **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

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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.

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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 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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### SIGNING INTO PUBLIC RECORDS DATA COLLECTION SITE

All users reporting public records data must create a Washington State Legislature (WSL) public account using their work email to access the Public Records Data Collection Reporting System. If you do not have a WSL account, you will be prompted to create one. This is a simple process that will require you to enter your name, email and set up a password.

If it is the first time you have accessed the system you will need to create a JLARC profile. This is a one-time set up and the profile can be edited at any time. You 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.)

Once in the system, you will be asked to declare your reporting status for the 2018 reporting period.

- Met the \$100,000 threshold and will be reporting.
- Did not meet the \$100,000 threshold and will be reporting voluntarily.
- Did not meet the \$100,000 threshold and will not be reporting.

### AGENCY INFORMATION AND BASELINE DATA

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 those open requests that were closed during the reporting period
- Total number of public records requests received during the reporting period
- Total number of those public records requests received during the reporting period that were closed during the reporting period

Once this information is provided you will begin reporting on the 15 required metrics.

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- ▶ **METRIC 1: Number of requests where the records were provided within five days of receiving the request [ESHB 1667, Sec. 1(5)(a)]**

**\*\* Please note the data required to be reported in this metric has changed.\*\***

**This metric collects the number of requests your agency provided records to within five days of receiving the request.**

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

- Total number of requests during the reporting period that received records within five days.
- 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 2: Number of requests where an estimated response time beyond five days was provided**  
*[ESHB 1667, Sec. 1(5)(b)]*

**\*\* Please note the data required to be reported in this metric has changed.\*\***

**To respond to this metric, agencies will need to provide the following data for requests received during the reporting period:**

- 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.

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- ▶ **Metric 3: Average and median number of days from receipt of request to the date the request is closed.**

*[ESHB 1667, Sec. 1(5)(c)]*

**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.
- The median number of days from receipt of request to the date the request is closed.
  - The median is the "middle" of a sorted list of numbers.
  - To find the median, place the numbers in value order and find the middle. Excel can do this calculation for you. [See here](#) for an example using Excel for this calculation.
- 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 closed = Average number of days to final disposition.)
- Some agencies are concerned that a small number of unusually large records requests may result in a skewed response to this metric. In response to requests from these agencies, we have added a text box to allow agencies to describe any unusual activity that may have skewed the results reported for this metric. In addition, reporting on the median days will help identify when unusually large requests may impact average response times.

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- ▶ **METRIC 4: Total number of public records requests for which the agency formally sought additional clarification from the requester**  
*[ESHB 1667, Sec. 1(5)(d)]*

**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.
- The count provided for this metric should NOT include requests for which the agency contacted the requester in order to provide further direction (as opposed to asking for further clarification.)
  - For example, if a requester has asked for a list of names, and the agency follows up with the requester notifying them they are required to complete a form indicating the names will not be used for commercial purposes, this would be considered providing the requester additional direction, not seeking clarification.
- 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.
- An agency may seek clarification on a single request one time or the agency may need to ask for clarification multiple times. For the purposes of responding to this metric, it is only counted once regardless of the number of times the requester is contacted for further clarification.

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- ▶ **METRIC 5: Total number of requests denied in full or in part and the most common reasons for denying requests**  
*[ESHB 1667, Sec. 1(5)(e)]*

**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. For the purposes of responding to this metric, a redaction is considered a denial of a portion of a record.
- 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 6: Total number of requests abandoned by requesters**  
*[ESHB 1667, Sec. 1(5)(f)]*

**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 7: Total number of requests, by type of requester**  
*[ESHB 1667, Sec. 1(5)(g)]*

**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 / Businesses
  - Insurers
  - Governments
  - Incarcerated persons
  - Media
  - Current or former employees
  - Unknown (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.
- **To the extent known by your agency**, if a requester is an employee but is requesting information unrelated to his or her employment, that requester should be counted as an “individual” not an “employee.”

The JLARC system includes 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 8: Percent of requests fulfilled electronically compared to the percent of requests fulfilled by physical records**  
*[ESHB 1667, Sec. 1(5)(h)]*

**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 9: Total number of requests where one or more physical records were scanned to create an electronic version to fulfill disclosure**  
*[ESHB 1667, Sec. 1(5)(i)]*

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 10: Average estimated staff time spent on each public records request**  
*[ESHB 1667, Sec. 1(5)(j)]*

To respond to the metric an agency will only need to provide the total estimated amount of agency staff time spent on all public disclosure requests during the reporting period. The JLARC system will 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).
  - 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

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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.
- Some agency designated staff spend time on activities that are related to the disposition of public records requests but that are not tied to a specific request (for example, attending public disclosure training or setting up agency public disclosure procedures and policies.) Time associated with these types of tasks may be included in the response to this metric.
- Time associated with invoicing and collection should be included here.

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- ▶ **METRIC 11: Estimated total costs incurred by the agency in fulfilling records requests, including staff compensation and legal review and average cost per request [ESHB 1667, Sec. 1(5)(k)]**

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. This worksheet is available on JLARC's website at [www.JLARC.leg.wa.gov](http://www.JLARC.leg.wa.gov). **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. Costs associated with staff time spent in public disclosure training, setting up policies or procedures, etc. may also be included.
- Some agencies apply an "overhead" rate to the cost of an employee. The Office of Financial Management defines overhead as "those elements of cost necessary in the production of a good or service which are not directly traceable to the product or service. Usually these costs relate to objects of expenditure that do not become an integral part of the finished product or service, such as rent, heat, lights, management, and supervision."

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Agencies who have established an official overhead rate may include that cost in calculating this metric and will be asked to report their overhead rate.

- **Agencies that have not established an overhead rate are not required to establish one in order to respond to this metric.** In some circumstances an agency may have incurred costs for supplies or services that could be reported under Metric 11 (costs incurred to fulfill public records requests) and Metric 14 (costs to manage and retain records). In these cases, determine the primary purpose of the supplies or services and report the costs under the appropriate metric. If the supplies or services are used for both equally, report 50% of the cost under Metric 11 and 50% under Metric 14. Please do not double count the cost by including it in both metrics.
- Do NOT include costs associated with public records requests litigation as these costs will be captured separately in Metric 13.

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- ▶ **METRIC 12: 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 1667, Sec. 1(5)(I)]*

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. The system will present a list of typical claim types from which to select.
- An **exemption** refers to a statutory exemption. The system will present a list of exemption types from which to select. A complete 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 13: 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 1667, Sec. 1(5)(m)]*

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 14: Estimated costs incurred by the agency with managing and retaining records, including staff compensation and purchases of equipment, hardware, software, and services to manage [ESHB 1667, Sec. 1(5)(n)]**

Costs reported for this metric should be related to managing and retaining public records. Costs associated with responding to public records requests should be reported in Metric 11. 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 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 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.) should be reported in Metric 11 and NOT included here.
- For purposes of responding to this metric, please include costs associated with systems **specifically or predominantly** designed to assist with managing and retaining records.
- Some agencies apply an “overhead” rate to the cost of an employee. The Washington Office of Financial Management defines overhead as “those elements of cost necessary in the production of a good or service which are not directly traceable to the product or service. Usually these costs relate to objects of expenditure that do not become an integral part of the finished product or service, such as rent, heat, lights, management, and supervision.” Agencies who have established an official overhead rate may include that cost in calculating this metric and will be asked to provide their overhead rate.
- **Agencies that have not established an overhead rate are not required to establish one in order to respond to this metric.**
- Staff costs should include base wages plus benefits, plus the agency’s overhead, calculated for the portion of time they spend on relevant activities.

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- **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.)
- 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.
- In some circumstances an agency may have incurred costs for supplies or services that could be reported under Metric 11 (costs incurred to fulfill public records requests) and Metric 14 (costs to manage and retain records). In these cases, determine the primary purpose of the supplies or services and report the costs under the appropriate metric. If the supplies or services are used for both equally, report 50% of the cost under Metric 11 and 50% under Metric 14. Please do not double count the cost by including it in both metrics.



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- ▶ **METRIC 15: Total expenses recovered by the agency from requesters for fulfilling public records requests, including any customized charges**  
*[ESHB 1667, Sec. 1(5)(o)]*

### 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. For more information related to customized service charges, please refer to RCW 42.56.120(3).
- 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)*)

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 those open requests that were closed during 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	Number of requests where the records were provided within five days of receiving the request	<ul style="list-style-type: none"> <li>• Total number of requests received during the reporting period where the requester received records within five days.</li> </ul>
2	Number of requests where an estimated response time beyond five days was provided	<ul style="list-style-type: none"> <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> </ul>
3	Average and median number of days from receipt of request to the date the request is closed	<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> <li>• The median number of days from receipt of request to the date the request is closed</li> </ul>
4	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

NO.	METRIC	DATA REQUIRED
5	Total number of closed requests denied in full or in part 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>• Most common reasons for denying requests closed during the reporting period</li> </ul>
6	Total number of requests abandoned by requesters	Number of requests abandoned by requesters during the reporting period
7	Total number of requests, by type of requester	Number of requests received during the reporting period, by type of requester
8	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>
9	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

NO.	METRIC	DATA REQUIRED
10	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 (Averages will be system generated)</p>
11	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> <li>• Overhead rate, if applicable</li> </ul>
12	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
13	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
14	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	<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>• Overhead rate, if applicable</li> </ul>

NO.	METRIC	DATA REQUIRED
15	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>

If you have questions or would like additional information, please email [JLARCPublicRecordsStudy@leg.wa.gov](mailto:JLARCPublicRecordsStudy@leg.wa.gov) or call us (360) 786-5286