

BRIEFING REPORT: 2018 Public Records Reporting

January 2020

Legislature requires agencies to report data on their public records practices

The 2017 Legislature passed [RCW 40.14.026](#), which requires agencies that are subject to the Public Records Act to report information about their public records practices. Agencies that spent \$100,000 or more in the prior fiscal year managing public records requests must submit a report. Agencies that spend less may report voluntarily. Each agency is responsible for determining whether they meet the reporting threshold.

See Tab 1 for more detail about the reporting process.

Agency is defined in [statute](#)

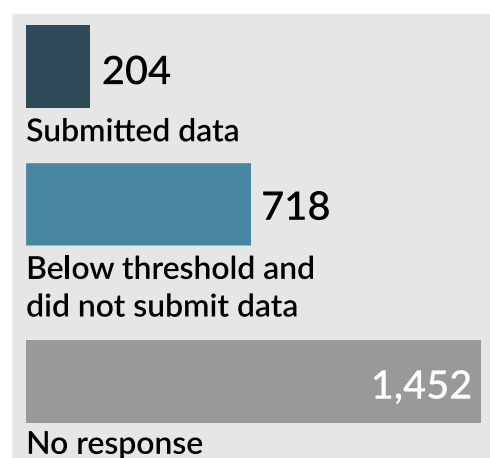
Agency means any public agency subject to the Public Records Act, including:

- State agencies, boards, and commissions.
- Counties, cities, and towns.
- School districts and higher education institutions.
- Special purpose districts.

JLARC staff must collect and report data from agencies

The same law directs the Joint Legislative Audit and Review Committee (JLARC) to develop a process to collect information from agencies and to standardize definitions for the metrics listed in statute.

For 2018, JLARC staff identified 2,374 agencies that may be subject to the reporting requirement. It is unknown how many of these agencies met the expenditure threshold. JLARC staff used multiple communication channels to inform agencies about how to report information.



204 agencies submitted data on their 2018 public records activities

A total of 922 agencies responded to JLARC's information request: 204 provided data and 718 indicated that they were below the expenditure threshold and chose not to submit data. The law requires agencies that meet the expenditure threshold to report data on 15 performance metrics, including response times, costs, staff time, and the methods used to respond to record requests.

The 2018 Public Records Data tabs include interactive dashboards with summaries and agency-level detail for each metric. JLARC staff provide guidance, definitions, and an online reporting system, but **do not verify the accuracy of the data reported by agencies.**

Reporting rates vary by type of agency. Many agencies may not meet the reporting threshold.

Most state, local, and higher education agencies reported information to JLARC staff. School districts and special districts had lower response rates.

- 62% of state agencies, boards, or commissions reported data or confirmed agency was below \$100,000 reporting threshold
- 86% of cities/towns
- 55% of county government agencies
- 94% of higher education institutions
- 39% of school districts/Educational Service Districts (ESD)
- 24% of special districts

Many of these districts may not have met the expenditure threshold and potentially were not required to report.

Legislature changed some metrics since last report

See Tab 3 for more detail about changes to the metrics.

In 2018, agencies reported receiving 337,653 public records requests, averaging 16 days to close requests, and spending \$78.4M to respond

A total of 204 agencies reported receiving 337,653 public records requests between January 1, 2018 and December 31, 2018. Agencies reported an average of 16 days from receiving to closing requests and spending \$78.4 million responding to requests. These agencies also reported that they responded to and closed 184,251 requests within five days. JLARC staff do not verify the accuracy of the data reported by agencies. More details on each metric are contained in the 2018 Public Records Data tabs.

REPORTING PROCESS

1. Agencies must report on public record practices

State and local agencies must report data to JLARC if they spend over \$100,000 to fulfill public records requests

Legislature requires agencies to report data on their public records practices

The 2017 Legislature passed [RCW 40.14.026](#), which requires agencies that are subject to the [Public Records Act](#) to report information about their public records practices. Statute defines

public agencies as state agencies, boards, commissions, counties, cities, towns, school districts, higher education institutions, and special purpose districts.

Each agency is responsible for:

- Determining whether it meets the expenditure threshold that requires it to submit data. If an agency spent \$100,000 or more to fulfill public records requests in the prior fiscal year, it must submit the required data. If it spends less, it may report voluntarily.
- Ensuring the accuracy of the data it submits. JLARC staff do not independently verify the information.

JLARC staff must collect and report data from agencies

The same law that established the reporting requirements for agencies also directs the Joint Legislative Audit and Review Committee (JLARC) to collect and report on the data submitted by agencies. JLARC staff and their consultants from Sightline, LLC worked with an advisory committee that included state and local agencies and other stakeholders to:

- Develop and publish standard definitions for the statutory metrics.
- Develop an online reporting system.
- Draft guidance documents.
- Give public presentations about the reporting requirements.
- Provide phone and email support to agencies during the reporting period.

For more details, see the Methodology Tab.

This report reflects the second year of reporting to JLARC

Agencies are required to report data on their public records practices each year. JLARC staff began collecting agency data in the spring of 2018. That first reporting period covered public records activities from July 23, 2017 through December 31, 2017.

This is the second report on agency public records practices. The data in this report covers agency activities between January 1, 2018 and December 31, 2018. This is the first reporting period to cover an entire calendar year of data.

2. Reporting rates vary by type of agency

Reporting rates vary by type of agency. Many agencies may not meet the reporting threshold.

204 agencies submitted data and another 718 indicated they were not required to report

Currently, there is no comprehensive list of public agencies that are subject to the Public Records Act. JLARC staff identified 2,374 public agencies based on information from the Municipal

Research and Services Center, the State Auditor's Office, and the Office of the Code Reviser. This includes an additional 24 special districts and 54 county government agencies that reported as a consolidated entity for 2017 and as separate county departments for 2018.

Agencies reported data on their 2018 public records activities through JLARC's online reporting system between June 2019 and August 2019. JLARC staff asked agencies to report whether they met the \$100,000 expenditure threshold for required reporting.

Exhibit 2.1: For 2018, 922 agencies (39%) either submitted data or indicated that they did not meet the \$100,000 reporting threshold



Source: Information reported by public agencies.

Note: "Submitted data" includes all agencies that provided data to JLARC staff. Of these, 142 met the threshold, while 62 reported voluntarily.

Reporting rates varied by the type of agency

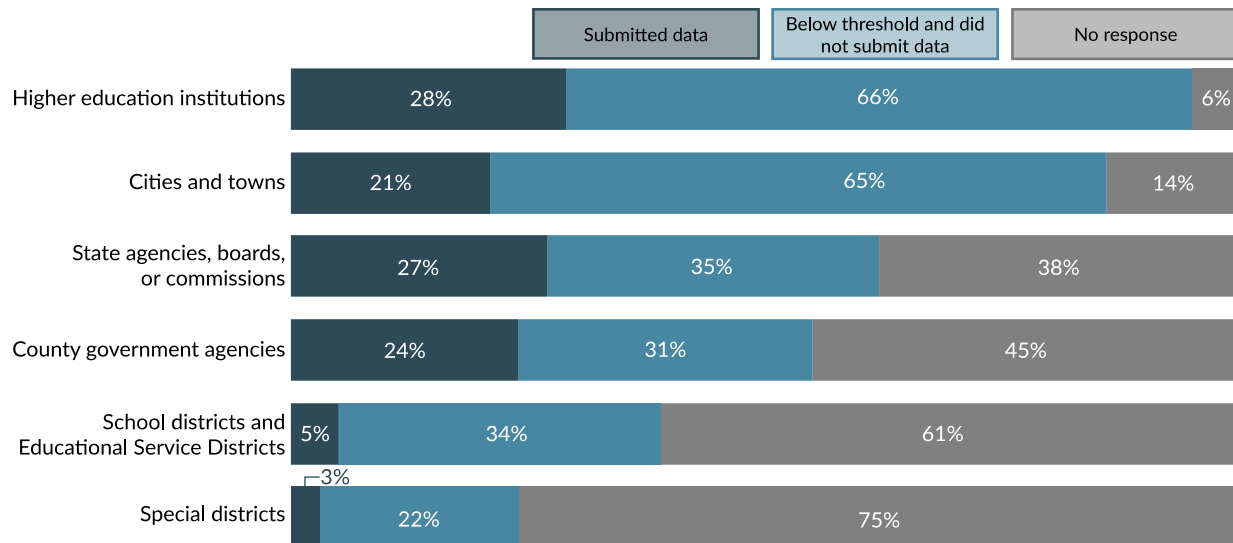
Most state and local agencies and higher education institutions submitted data on their 2018 public records practices. Reporting rates varied from 94% (higher education) to 24% (special districts).

Of the 2,374 agencies identified by JLARC staff in 2018, 1,452 (61%) did not respond to the data collection effort. Many of these agencies are special districts and school and educational service districts. It is likely that a large portion of these districts did not meet the expenditure threshold for required reporting. For example, JLARC staff found that 89% of the non-responders had annual operating expenditures of less than \$10 million. If these agencies spent up to 1 percent of their operating budgets on responses to public records requests, they would be under the expenditure threshold and not required to report.

For this report, public agencies are organized into one of three categories:

- **Submitted data:** Agencies that provided performance metrics to JLARC staff. Some agencies were required to do so because they met or exceeded the expenditure threshold and others reported data voluntarily.
- **Below threshold and did not submit data:** Agencies that indicated they were below the \$100,000 expenditure threshold and declined to submit a voluntary performance report.
- **No response:** Agencies that did not provide any response. It is unclear how many of these agencies were above the \$100,000 expenditure level and required to submit a performance report.

Exhibit 2.2: Most higher education institutions and state and local agencies submitted data on their 2018 public records practices



Source: Data reported by public agencies.

List of agencies that did not respond to data request

A total of 1,452 agencies did not provide any information to JLARC staff on their 2018 public records practices. It is unclear how many of these agencies met the expenditure threshold for required reporting. Click the image below for more detail on these agencies.



Source: JLARC staff analysis.

3. Some metrics changed since last report

The metrics reported for 2018 activities differ from metrics reported for 2017

The 2019 Legislature modified or removed several of the metrics that agencies are required to report each year. In response, JLARC staff revised its online reporting system by:

- Adding a new data element to clarify the baseline data metrics, and adding a data element to Metric 4 (median days to final disposition).

- Modifying two metrics to focus on specific types of public records responses (Metrics 2 and 3 - providing responses within 5 days, and providing estimates for responses beyond 5 days).
- Removing three metrics (Metrics 1, 5, and 18 - best practices, estimates for full disclosure, measures of customer satisfaction).
- Clarifying the definition of one metric (Metric 16 - total costs for managing records).

The remainder of the metrics remain the same as last year's data collection effort. The exhibit below includes a full list of the changes to metrics between the 2017 and 2018 reporting periods.

Exhibit 3.1: Changes to metrics for the 2018 reporting period

Metrics used to report 2017 data		Metrics used to report 2018 data		What changed?
Baseline data	<ol style="list-style-type: none"> 1. Total number of open requests at the start of the reporting period. 2. Total number of requests received during the reporting period. 3. Total number of requests closed during the reporting period. 	Baseline data	<ol style="list-style-type: none"> 1. Total number of open requests at the start of the reporting period. 2. <u>Total number of those open requests that were closed during the reporting period.</u> 3. Total number of requests received during the reporting period. 4. Total number of requests closed during the reporting period. 	Added one data point for clarification: <ol style="list-style-type: none"> 2. Total number of those open requests that were closed during the reporting period.
1	Best practices for managing public records			<i>Removed</i>
2	Average time to respond to a records requests.	(1)	The <u>number of requests</u> where the agency provided the requested records within five days.	Modified - Now focuses only on the requests when the agency provided the records within five days.
3	Percent of records requests fulfilled within five days and the percent for which an estimate for fulfillment is provided.	(2)	The <u>number of requests</u> where the agency provided a time estimate for providing records	Modified - Now focuses only on instances where an estimate

Metrics used to report 2017 data		Metrics used to report 2018 data		What changed?
			beyond five days after receiving the request.	beyond five days was provided.
4	Average number of days from receipt of request to final disposition of request.	(3)	Average <u>and median</u> number of days from receipt of request to final disposition of a request.	Modified - <i>Median is a new data element.</i> Median is calculated by the agency and reported to JLARC staff. Averages are calculated by the reporting system.
5	Average time estimate provided for full disclosure and average actual time to provide full disclosure.			<i>Removed</i>
6	The number of requests where the agency sought additional clarification from the requester.	(4)	The number of requests where the agency sought additional clarification from the requester.	No change
7	The number of closed requests denied and the common reasons for denying requests.	(5)	The number of requests denied <u>in full or in part</u> and common reasons for denying the requests.	No change
8	The number of abandoned records requests.	(6)	The number of abandoned records requests.	No change
9	Number of records requests, by type of requester.	(7)	Number of records requests, by type of requester.	No change
10	Percent of records requests fulfilled electronically and physically.	(8)	Percent of records requests fulfilled electronically and physically.	No change
11	Number records requests involving scanning.	(9)	Number records requests involving scanning.	No change
12	Average estimated staff time spent responding to records requests.	(10)	Average estimated staff time spent responding to records requests.	No change

Metrics used to report 2017 data		Metrics used to report 2018 data		What changed?
13	Estimated cost of fulfilling records requests.	(11)	Estimated cost of fulfilling records requests.	No change
14	Number of claims filed alleging a statutory violation.	(12)	Number of claims filed alleging a statutory violation.	No change
15	Costs of litigating claims alleging a statutory violation.	(13)	Costs of litigating claims alleging a statutory violation.	No change
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.	(14)	The estimated costs of managing and retaining records.	Clarification <i>Clarified to remove reference to fulfillment of records requests.</i>
17	Expenses recovered.	(15)	Expenses recovered.	No change
18	Measures of requester satisfaction with agency responses, communication, and process relating to the fulfillment of public records requests.			<i>Removed</i>

2018 PUBLIC RECORDS DATA

A. Overview of metrics and results

Legislature identified performance metrics for agency records retention, management, and disclosure practices

The 2017 Legislature passed legislation requiring agencies that are subject to the Public Records Act to report information about their public records practices. The law includes a list of performance metrics that agencies must submit annually. JLARC staff compiled the 2018 data reported by agencies into interactive dashboards for each metric. The legislation on reporting requirements for this reporting period is linked here: [RCW 40.14.026](#),

A total of 204 agencies reported receiving 337,653 public records requests between January 1, 2018 and December 31, 2018. Agencies reported an average of 16 days from receiving to closing requests and spending \$78.4 million responding to requests. These agencies also reported that they responded to and closed 184,251 requests within five days. JLARC staff do not verify the accuracy of the data reported by agencies. More details on each metric are contained in the 2018 Public Records Data tabs.











View 2018 data for each metric in interactive dashboards











Agencies reported performance metrics for calendar year 2018 using an online reporting system developed by JLARC staff. Agencies are responsible for the accuracy of their data, and any questions should be directed to the reporting agency. JLARC staff do not independently verify the information submitted.











To use the dashboards:



- Click on the images in the table below to open interactive dashboards for each metric in a new window.
- Make selections to the data using the drop down menus and sliders highlighted in yellow.
- View [instructions](#) to learn more about navigation.
- Download the complete dataset in an Excel file [here](#).

Exhibit A1: Dashboards for 2018 Agency Performance Metrics

Statutory metric	Metric definition	Link to dashboard
<p>Requests open, received, and closed (Baseline data) <i>See Tab B for more information.</i></p>		
<p>Metric 1 - The number of requests where the agency provided the requested records within five days <i>See Tab C for more information.</i></p>		
<p>Metric 2 - The number of requests where the agency provided a time estimate for providing records beyond five days after receiving the request <i>See Tab C for more information.</i></p>		
<p>Metric 3 - Average and median number of days from receipt to final disposition of a request <i>See Tab C for more information.</i></p>		
<p>Metric 4 - Number of requests where the agency sought additional clarification from the requester <i>See Tab D for more information.</i></p>		

Statutory metric	Metric definition	Link to dashboard
<p>Metric 5 - Number of records requests denied in full or in part and common reasons for denying the requests <i>See Tab D for more information.</i></p>		 <p>Click here to view interactive dashboard</p>
<p>Metric 6 - Number of abandoned records requests <i>See Tab D for more information.</i></p>		 <p>Click here to view interactive dashboard</p>
<p>Metric 7 - Number of records requests, by type of requester <i>See Tab B for more information.</i></p>		 <p>Click here to view interactive dashboard</p>
<p>Metric 8 - Percent of records requests fulfilled electronically and physically <i>See Tab E for more information.</i></p>		 <p>Click here to view interactive dashboard</p>
<p>Metric 9 - Number of records requests involving scanning <i>See Tab E for more information.</i></p>		 <p>Click here to view interactive dashboard</p>

Statutory metric	Metric definition	Link to dashboard
<p>Metric 10 - Average estimated staff time spent responding to records requests <i>See Tab F for more information.</i></p>		 <p>Click here to view interactive dashboard</p>
<p>Metric 11 - Estimated cost of fulfilling records requests <i>See Tab F for more information.</i></p>		 <p>Click here to view interactive dashboard</p>
<p>Metric 12 - Number of claims filed alleging a statutory violation <i>See Tab G for more information.</i></p>		 <p>Click here to view interactive dashboard</p>
<p>Metric 13 - Costs of litigating claims alleging a statutory violation <i>See Tab G for more information.</i></p>		 <p>Click here to view interactive dashboard</p>
<p>Metric 14 - Estimated costs of managing and retaining records <i>See Tab F for more information.</i></p>		 <p>Click here to view interactive dashboard</p>


Statutory metric	Metric definition	Link to dashboard
Metric 15 - Expenses recovered <i>See Tab F for more information.</i>		

B. Records received and closed

Agencies reported receiving 337,653 records requests from individuals, organizations, other entities, and law firms

A total of 204 agencies reported information to JLARC staff during the [2018 reporting period](#)¹. These agencies received a total of 337,653 records requests.

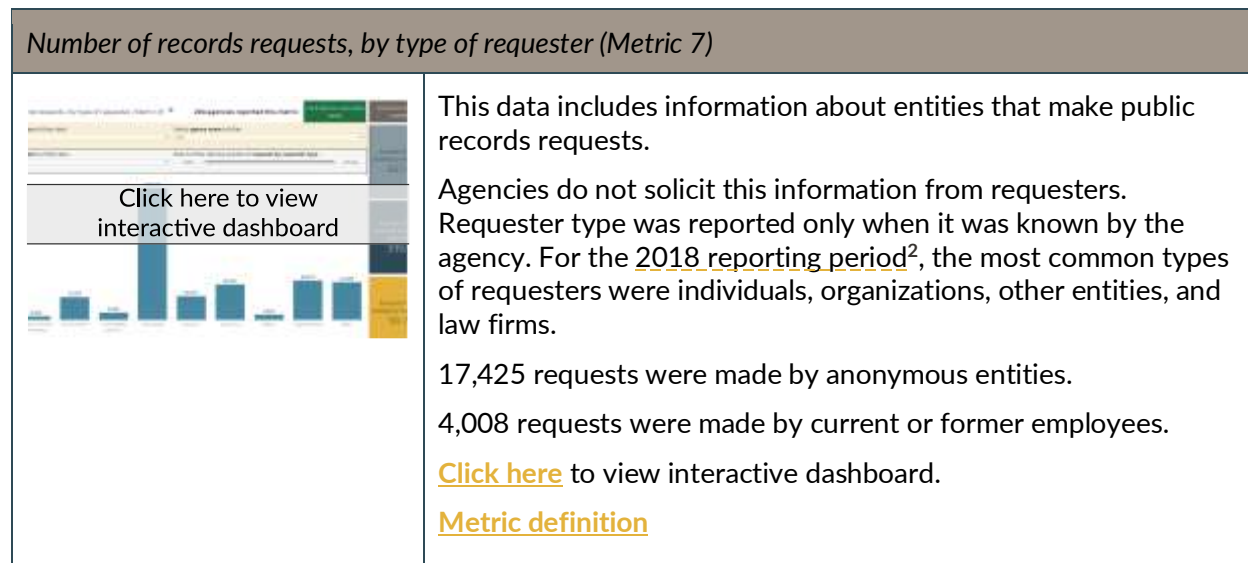
Exhibit B1: Reporting agencies received an average of 1,647 public records requests in 2018, ranging from 1 to 46,144 per agency

Requests open, received, and closed (<i>Baseline data</i>)	
	<p>Baseline data includes:</p> <ul style="list-style-type: none"> • 19,588 public records requests that were already open at the start of the reporting period. • 337,653 public records requests that were received during the reporting period. • 335,958 public records requests that were closed during the reporting period. <p>South Sound 911 reported the largest number of records requests, at 46,144 requests.</p> <p>Five agencies received one records request each.</p> <p>On average, agencies received 1,647 requests in 2018.</p> <p>Click here to view interactive dashboard.</p> <p>Metric definition</p>

Source: JLARC staff compilation of data reported by 204 agencies.

¹January 1, 2018 to December 31, 2018

Exhibit B2: The most common requesters were individuals, organizations, other entities, and law firms



Source: JLARC staff compilation of data reported by 204 agencies.

C. Response time

Agency response time

The metrics on this page relate to the amount of time agencies spent responding to public records requests during the reporting period.

State law requires agencies to respond to public records requests within five days

Agencies may **respond** to a request in the following ways:

- Acknowledge receipt and provide an estimated timeframe for providing records.
- Provide the requested records.
- Ask the requester to clarify the request.
- Deny the request because there are no records or there is an exemption from disclosure.

A request is considered **closed** when the agency does one of the following:


- Provides the requested records by:
 - Delivering or sending records to the requester.
 - Making records available for on-site review, for pickup, or upon payment.
- Informs the requester that the agency does not have the requested records.

²January 1, 2018 - December 31, 2018

- Informs the requester that the records are exempt from disclosure.


The date of **final disposition** is the date the agency finishes providing records, if any, and the request is closed.

Exhibit C1: Agencies closed a total of 184,251 requests within five days

Number of requests where the agency provided the requested records within five days (<i>Metric 1</i>)	
	<p>State law requires agencies to respond to public records requests within five days.</p> <p>Cities/towns closed the most requests within five days at 78,201 requests (42%).</p> <p>School districts and educational service districts (ESDs) closed the least number of requests within five days, at 547 requests (0.3%).</p> <p>South Sound 911 closed the most number of requests within five days, at 14,967 requests (8%).</p> <p>Click here to view interactive dashboard.</p> <p>Metric definition</p>


Source: JLARC staff compilation of data reported by 204 agencies.

Exhibit C2: For 173,000 records requests, agencies estimated it would take more than five days to respond

Number of requests where the agency provided a time estimate for providing records beyond five days after receiving the request (<i>Metric 2</i>)	
	<p>Special districts provided the most estimates beyond five days, at 53,030 requests.</p> <p>School districts/ESDs provided the fewest estimates beyond five days, at 704.</p> <p>South Sound 911 provided the most estimates, at 46,144 requests.</p> <p>Click here to view interactive dashboard.</p> <p>Metric definition</p>

Source: JLARC staff compilation of data reported by 204 agencies.

Exhibit C3: On average, agencies closed records requests in 16 days. The median time to close was 5 days.

Average and median number of days from receipt to final disposition of a request (<i>Metric 3</i>)	
 <p>Click here to view interactive dashboard</p>	<p>Agencies reported that large requests may affect their calculations of the average number of days between receiving and closing a records request.</p> <ul style="list-style-type: none">• Statewide, the average number of days to final disposition was 16 days.• Statewide, the median number of days to final disposition was 5 days.• Local government agencies reported the shortest response time, with an average of 8 days and a median of 3 days to final disposition.• Higher education institutions reported the longest average time to final disposition, at 38 days.• State agency, commissions, and boards reported the longest median time to final disposition, at 7 days. <p>Click here to view interactive dashboard.</p> <p>Metric definition</p>

Source: JLARC staff compilation of data reported by 204 agencies.


D. Clarified, denied, abandoned

Few records requests were clarified, denied, or abandoned

The metrics on this page relate to the number of record request clarifications, denials, and abandonments.


- **Clarification** means the agency formally asked the requester to provide clarifying information about the request.
- **Denial** means the agency did not provide complete records to the requester or redacted records per an exemption under Chapter 42.56 RCW.
 - *Fully denied* means the agency withheld all records from the requester.
 - *Partially denied* means the agency withheld some records from the requester.
 - *Redacted* means the agency obscured part of a record before providing it to the requester.
- **Abandonment** means the requester withdrew the request or failed to follow request procedures.

Exhibit D1: Six percent of records requests required clarification

Number of records requests where the agency sought clarification from the requester (<i>Metric 4</i>)	
	<p>Agencies reported the number of requests needing clarification, not the number of times a request was clarified. For example, one request with five different clarifications was counted once.</p> <p>19,337 requests required clarification.</p> <ul style="list-style-type: none"> • Of the requests that required clarification, 40% were made to local government agencies. • Less than 1% of requests that required clarification were made to higher education institutions. <p>Seattle reported the most requests needing clarification, at 2,068 requests.</p> <p>27 agencies reported that no requests needed clarification.</p> <p>Click here to view interactive dashboard.</p> <p>Metric definition</p>

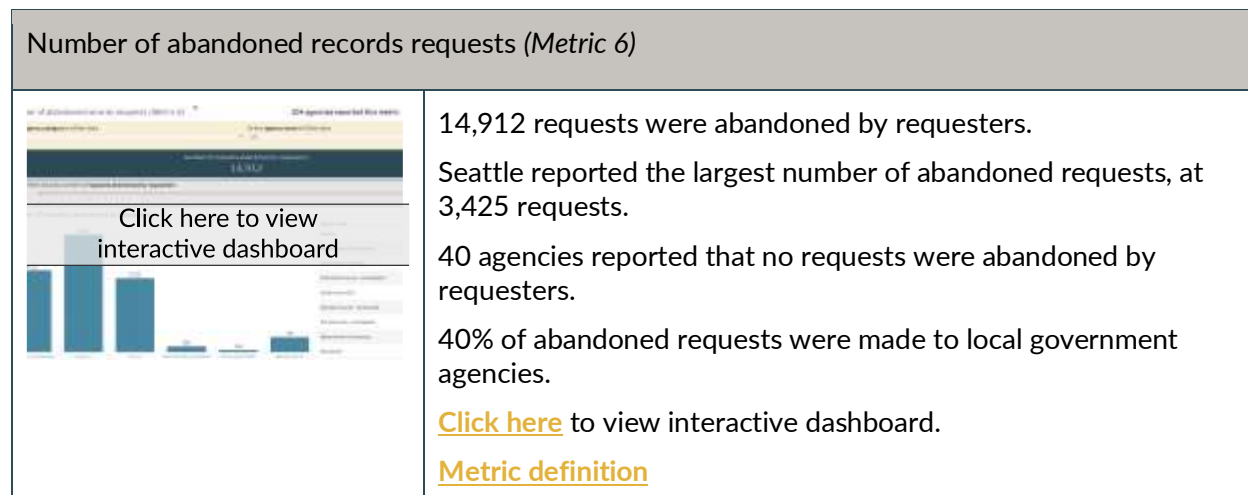
Source: JLARC staff compilation of data reported by 204 agencies.

Exhibit D2: Less than one percent of requests were fully denied, and 11 percent were partially denied or redacted

Number of records requests denied and common reasons (<i>Metric 5</i>)	
	<p>Fully Denied Requests 3,356 requests were fully denied.</p> <p>Local governments accounted for 43% of the fully denied requests.</p> <p>Department of Social and Health Services reported the most requests fully denied, at 9,190 requests.</p> <p>112 agencies reported that no requests were fully denied.</p> <p>Partially Denied Requests 35,631 requests were partially denied.</p> <p>Local governments accounted for 34% of partially denied requests.</p> <p>Department of Health reported the most requests partially denied, at 114,824 requests.</p> <p>56 agencies reported that no requests were partially denied.</p> <p>Click here to view interactive dashboard.</p> <p>Metric definition</p>

Source: JLARC staff compilation of data reported by 204 agencies.

Exhibit D3: Requesters abandoned four percent of their requests



Source: JLARC staff compilation of data reported by 204 agencies.

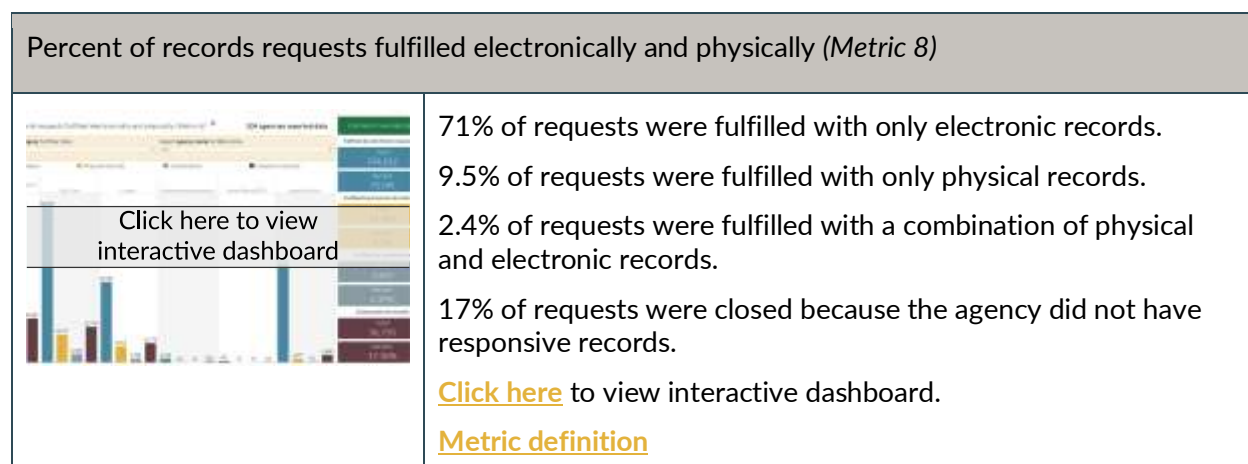
E. Response format

71 percent of records requests were fulfilled electronically

The metrics on this page relate to the way an agency provides records to a requester. Agencies can provide public records in electronic format or in printed format. These metrics include information about electronic and physical records and if records are scanned to fulfill a request.


- **Electronic records** include email, memory sticks, CDs, file transfer sites, links to online documents, and more.
- **Physical records** include paper documents, books, photographs, and other non-electronic records.
- **Scanning** converts physical records to an electronic form.

Exhibit E1: 71 percent of records requests were fulfilled electronically



Source: JLARC staff compilation of data reported by 204 agencies.

Exhibit E2: 18 percent of requests required agencies to scan physical records

Number of records requests involving scanning (<i>Metric 9</i>)	
	<p>18% of requests required agencies to scan physical records.</p> <p>Washington State Patrol reported the most requests requiring scanning, at 7,646 requests.</p> <p>31 agencies reported that no requests required scanning.</p> <p>On average, each agency received 291 requests that required scanning of physical records.</p> <p>Click here to view interactive dashboard.</p> <p>Metric definition</p>

Source: JLARC staff compilation of data reported by 204 agencies.

F. Time and Cost

Reporting agencies estimated spending over 1 million hours and \$76.4 million responding to records requests

The metrics on this page relate to the staff time and costs associated with responding to records requests and managing public records. All data reported to JLARC for these metrics are estimates, per [statute](#)³.

As with all data metrics included in this report, time and cost estimates reflect estimates only for the 204 agencies that reported data. Estimates do not include costs for the 718 agencies reporting they were below the expenditure threshold, nor the 1,452 agencies that did not respond.

Time and cost estimates reflect activities between January 1, 2018 and December 31, 2018.

Agencies used various approaches to calculate costs. JLARC staff advised agencies to avoid double counting time and costs by separating the resources used to respond to requests from the resources used to manage records.

Agencies reported challenges in estimating the time and cost of responding to public records requests

Agencies had different internal processes for estimating the staff time spent responding to public records requests. For example, some agencies assigned a difficulty level to each request (e.g., easy, average, difficult) and assigned each level a corresponding amount of time spent. Others worked with staff to gather actual time spent.

³RCW 40.14.026


Agencies reported challenges with estimating staff time for positions that were not designated as public records staff. For example, employees who were not typically involved in fulfilling public records requests may have spent time looking for records on a specific request.

Agencies reported challenges in estimating the costs for managing records

Agencies indicated a number of challenges in estimating costs for managing public records, such as:


- Including staff training costs.
- Including overhead estimates.
- Differentiating response costs from management costs.
- Calculating costs for staff whose primary job is not records management.
- Calculating costs for software that is used for managing records and for other purposes.

Exhibit F1: Agencies spent 1,012,364 staff hours responding to public records requests

Average staff time spent responding to records requests (<i>Metric 10</i>)	
	<p>Averages may not always reflect a typical records request.</p> <p>The statewide average is 4,963 hours spent responding to records requests per agency.</p> <p>The statewide average is 2.83 hours per request.</p> <p>Seattle reported the most estimated staff hours at 119,494 hours.</p> <p>8 agencies reported an estimated 1 staff hour spent responding to requests.</p> <p>School districts and educational service districts reported the most staff time spent per request, with an average of 23 hours per request. Special districts reported the least amount, with an average of 38 minutes per request.</p> <p>Click here to view interactive dashboard.</p> <p>Metric definition</p>


Source: JLARC staff compilation of data reported by 204 agencies.

Exhibit F2: Agencies spent \$76.4 million fulfilling records requests

Cost of fulfilling records requests (Metric 11)	
	<p>The total estimated cost to agencies in 2018 was \$76.4 million.</p> <p>The average cost per agency was \$374,446 and the average cost per request was \$214.</p> <p>Department of Corrections reported the largest total estimated cost at \$8,730,968.</p> <p>5 agencies reported no estimated costs.</p> <p>Click here to view interactive dashboard.</p> <p>Metric definition</p>


Source: JLARC staff compilation of data reported by 204 agencies.

Exhibit F3: Agencies spent \$144 million managing and retaining public records

Costs of managing and retaining records (Metric 14)	
	<p>The 2018 average cost per agency was \$708,168.</p> <p>Health Care Authority reported the largest cost at \$36,880,380.</p> <p>16 agencies reported no estimated costs.</p> <p>Click here to view interactive dashboard.</p> <p>Metric definition</p>

Source: JLARC staff compilation of data reported by 204 agencies.

Exhibit F4: Agencies recovered \$283,173 of costs associated with responding to records requests

Expenses recovered (Metric 15)	
	<p>Agencies may collect fees or payment from requesters to cover expenses incurred in responding to a records request.</p> <p>Local governments reported the most costs recovered, at \$135,410 (48% of total costs recovered).</p> <p>On average, each agency recovered \$2,185, or about \$1 per request.</p> <p>The Department of Ecology reported the most expenses recovered, at \$49,242.</p> <p>8 agencies reported that they recovered under \$10.</p> <p>Click here to view interactive dashboard.</p> <p>Metric definition</p>

Note: The report and interactive dashboard have been updated for this metric on 5/12/2020 for the City of Spokane Valley, which had originally been incorrectly submitted as \$70,030.

Source: JLARC staff compilation of data reported by 204 agencies.

G. Court claims


Agencies spent \$1.6 million on litigation

The metrics on this page relate to court claims alleging that the agency violated the Public Records Act ([Chapter 42.56 RCW](#)) or other public records statutes. Data reported for this metric include the number of claims filed and costs incurred by the agency. Data does not include information about the total number of claims settled during the reporting period.

Agencies reported a total of 70 court claims filed in 2018 alleging that an agency violated Chapter 42.56 RCW. Agencies reported spending \$1.6 million on litigation costs. Costs may include:

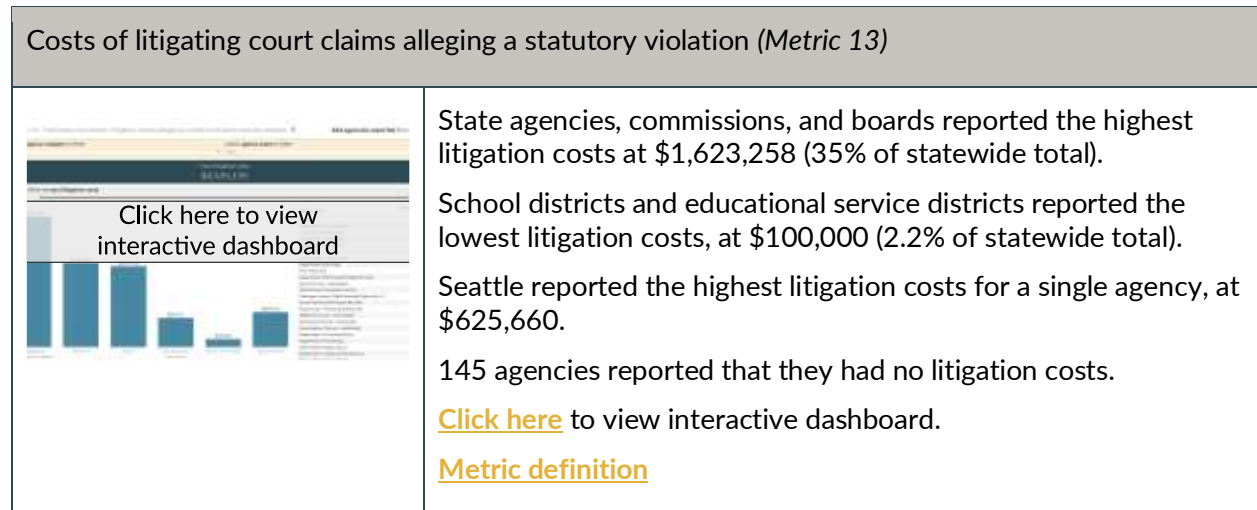
- Estimates of agency staff time incurred while responding to litigation (e.g. responding to discovery, participating in depositions, attending mediation).
- Attorney fees for the agency's attorneys.
- Other agency representation costs (e.g., costs associated with production of documents or purchasing deposition transcripts).
- Settlement amounts.
- Total penalties.
- Attorney fees for the requester's attorney.
- Costs for the requester's litigation.

Exhibit G1: 70 court claims were filed against agencies alleging a statutory violation

Number of court claims alleging a statutory violation (<i>Metric 12</i>)	
	<p>57% of court claims were filed against state agencies, commissions, and boards.</p> <p>The Department of Corrections accounted for 39% (27 court claims) of the total court claims filed.</p> <p>176 agencies reported no court claims were filed against them during the reporting period.</p> <p>Click here to view interactive dashboard.</p> <p>Metric definition</p>

Source: JLARC staff compilation of data reported by 204 agencies.

Exhibit G2: Agencies spent \$4.6 million on litigation for court claims alleging a statutory violation



Source: JLARC staff compilation of data reported by 204 agencies.

MORE Methodology

JLARC staff contracted with Sightline, LLC, a management consulting firm, to assist with fulfilling responsibilities under [ESHB 1594 Section 6 \(5\)](#). JLARC staff established an advisory group of individuals representing state and local government agencies and public records stakeholders to provide guidance on the development of metric definitions.

JLARC staff worked with Sightline, the advisory group, and other state and local agency staff to develop data standards and an approach to collecting information about public records. The Legislative Auditor would like to thank all of the stakeholder participants for their involvement and assistance.

- The advisory group included representatives from the following agencies:
 - Office of Financial Management
 - Secretary of State's Office
 - Governor's Office
 - Attorney General's Office
 - Office of Superintendent of Public Instruction (OSPI)
 - State Auditor's Office (SAO)
 - Association of Washington Cities (AWC)
 - Municipal Research and Services Center (MRSC)

- Washington State Association of Counties (WSAC)
- Stakeholders included representatives from:
 - Cities
 - Counties
 - School districts
 - Hospital districts
 - State agencies

JLARC staff provide a [guidance document](#) and a [Frequently Asked Questions \(FAQ\)](#) document. The most recent update to the guidance document was in May 2019.

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