2023 Public Records Reporting

BRIEFING REPORT | JANUARY 2025

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2023 public records data dashboards

- Agencies report data each year to JLARC staff reflecting metrics in **RCW 40.14.026**.
- JLARC staff compile the data but do not independently verify the information submitted.
- Questions about an agency's data should be directed to that agency.

Click the links below to view the public records data in interactive dashboards.

- New this year: **Overview dashboard** allows users to choose a single agency or year for review.
- Dashboards include summaries and agency-level detail for each reporting metric from 2018 through 2023.
- View **instructions** for navigating the dashboards.
- Download the **full dataset** (Excel).

Reporting compliance	Requests received and closed	Response time	Clarified, denied, abandoned	Response format	Time and cost	Court cases

Executive summary

Statute requires agencies to report data about public records activities

RCW 40.14.026 requires state, local, and other government agencies that are subject to the **Public Records Act** to report information about their public records activities.

- Agencies that spent over $100,000 or more on public records requests in the prior fiscal year must submit data for 15 statutory performance metrics.
- Agencies that spent less can report data voluntarily.
- Each agency is responsible for determining if they met the $100,000 expenditure threshold.

JLARC staff directed to collect and report data from agencies

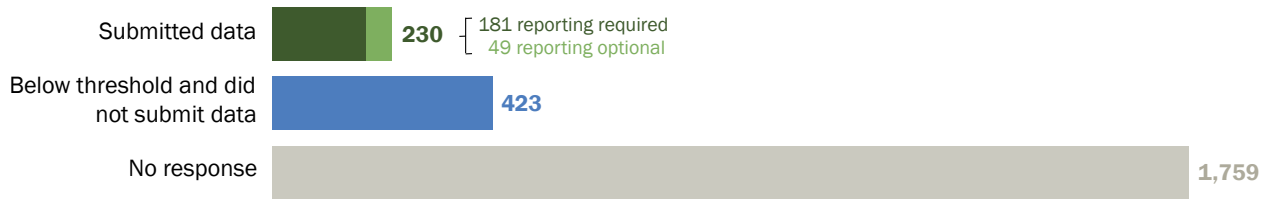
Statute directs the Joint Legislative Audit and Review Committee (JLARC) staff to standardize definitions for the statutory performance metrics and collect information from agencies. JLARC staff provide guidance, definitions, and an online reporting system, but do not verify the accuracy of the data reported by agencies.

In 2023, 230 agencies submitted data about their public records activities

JLARC staff identified and reached out to 2,412 Washington agencies that were subject to the Public Records Act in 2023.

- It is unknown how many of these agencies met the $100,000 expenditure threshold and were required to report.
- A total of 653 agencies (27%) responded to JLARC staff. Of these, 230 reported data related to performance metrics. Another 423 indicated that they were below the $100,000 expenditure threshold and did not submit data.
- The response rate varied from 56% to 82% for state, local, and higher education agencies. School districts and special districts had lower response rates. Both chambers of the Legislature responded (100%).

Figure 1: Of the 653 agencies that responded to JLARC staff, 230 reported data



Source: JLARC staff analysis of reporting data.

Agencies reported receiving 437,813 public records requests

The 230 agencies that submitted data to JLARC staff received 437,813 public records requests between January 1 and December 31, 2023. Agencies reported:

- Closing 240,127 (55%) requests within five days.
- Averaging 25 days from request receipt to closure.
- Spending $137 million responding to requests.

Additional metrics include the number of requests that were denied, the format of records provided, time spent, and public records litigation.

Part 1.
Reporting compliance

230 agencies submitted 2023 data. Another 423 indicated they were not required to report.

There is no comprehensive list of public agencies subject to the Public Records Act. JLARC staff identified 2,412 public agencies in 2023 based on information from the Municipal Research and Services Center, the State Auditor's Office, and the Office of the Code Reviser.

JLARC staff reached out to all 2,412 agencies about the reporting requirements and how to submit information.

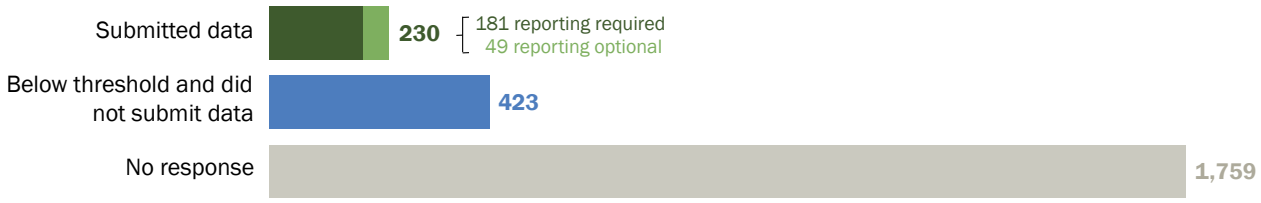
Agencies reported 2023 data through JLARC's online reporting system between March 2024 and August 2024. JLARC staff extended the reporting deadline from July 1 to August 16 to improve reporting compliance. JLARC staff asked agencies that did not meet the $100,000 expenditure threshold to report that information.

View the data

This **interactive dashboard** includes:

- Reporting rates by agency category.
- Reporting statuses for individual agencies.
- Total annual operating expenditures for non-reporting agencies.

Figure 2: For 2023, 653 agencies (27%) submitted data or indicated that they did not meet the $100,000 expenditure threshold



Source: JLARC staff analysis of reporting data.

Reporting rates varied by agency category

2023 response rates were highest for the Legislature, counties, and cities and towns.

For this report, JLARC staff organized the agencies into one of four categories:

- **Above threshold, reporting required**: Agencies that indicated they were above the $100,000 expenditure threshold and therefore required to report.
- **Below threshold, voluntarily reporting**: Agencies that indicated they were below the $100,000 expenditure threshold and chose to voluntarily report.
- **Below threshold, did not submit data**: Agencies that indicated they were below the $100,000 expenditure threshold and declined to submit data voluntarily.
- **No response**: Agencies that did not provide any response. It is unclear how many of these agencies met the $100,000 expenditure threshold.

Figure 3: Response rates were highest for the Legislature, counties, and cities and towns

	Above threshold, reporting required	Below threshold, voluntarily reporting	Below threshold, did not submit data	Total response rate	No response
Legislature	100%	0%	0%	100%	0%
County	67%	5%	10%	82%	18%
City/town	20%	4%	43%	67%	33%
Higher education institution	22%	0%	36%	58%	42%
State agency, commission, or board	31%	2%	24%	56%	44%
School district/ESD	8%	1%	18%	27%	73%
Special district	1%	1%	10%	13%	87%

Source: Data reported by public agencies between March 11 and August 16, 2024.

No response from 1,759 agencies

Of the 2,412 agencies identified in 2023, 1,759 (73%) did not provide information about their public records activities or indicate if they met the $100,000 expenditure threshold. Many of these agencies are special districts, school districts, and educational service districts.

It is possible that agencies did not meet the $100,000 expenditure threshold for required reporting.

- For example, an agency with annual operating expenditure of less than $10 million would need to spend more than 1% of its operating budget on responses to public records requests to reach that threshold.

JLARC staff found that 58% (1,014) of non-reporting agencies had annual operating expenditures under $10 million. The annual operating expenditures for 28% (494) of the non-reporting agencies could not be determined. The remaining 14% of non-reporting agencies had annual operating expenditures that exceeded $10 million. However, this does not mean that they met the threshold.

Part 2.
Requests received and closed

Agencies reported receiving 437,813 records requests from individuals, law firms, governments, and other entities.

- Agencies received an average of 1,904 public records requests in 2023. The range was from 0 to 39,525 per agency.
- Cities/towns received the highest number of requests: 176,354 (40% of the statewide total).
- The most common requesters were individuals (40%), law firms (11%), and governments (11%).

View the data

This **interactive dashboard** includes data from:

- **Baseline data**: Requests open, received, and closed.
- **Metric 7**: Number of records requests by type of requester.

Additional data notes

The data in this dashboard includes information about entities that make public records requests. Agencies do not solicit this information from requesters. Requester type is reported only when it is known by the agency.

Part 3.
Response time

Responding to records requests

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

View the data

This **interactive dashboard** includes data from:

- Acknowledge receipt and provide an estimated time frame 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 for disclosure.

Data highlights

- Agencies estimated that providing records would take more than five days for 214,375 records requests (49%).

- **Metric 1**: Number of requests closed within five days of receiving the request.
- **Metric 2**: Number of requests where an estimate beyond five days was provided.
- **Metric 3**: Average and median days to final disposition.

Closing records requests

A request is considered closed when the agency does 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.
- Informs the requester that the records are exempt from disclosure.

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

Data highlights

- Average time to close requests was 25 days.
- Agencies closed 240,127 records requests (55%) within five days.

Part 4.
Clarified, denied, abandoned

Thousands of records requests were clarified, denied, or abandoned.

- 33,196 (8%) requests required clarification from the requester.

View the data

This **interactive dashboard** includes data from:

- 10,260 (2%) requests were denied in full.
- 102,004 (23%) requests were partially denied or redacted.
- 24,337 (6%) requests were abandoned by the requester.

A single request can fall into multiple categories. For example, a request might be submitted to an agency, require clarification, and then be abandoned if the requestor does not respond.

- **Metric 4**: Number of records requests where the agency sought clarification from the requester.
- **Metric 5**: Number of records requests denied in full or in part.
- **Metric 6**: Number of abandoned records requests.

Additional data notes

This data relates to the number of records requests clarifications, denials, and abandonments.

- **Clarification** means that the agency formally asked the requester to provide clarifying information about the request.
- **Denial** means that the agency did not provide 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 the record before providing it to the requester.
- **Abandonment** means the requester withdrew the request or failed to follow request procedures.

Part 5.
Response format

Agencies can provide public records in electronic format or in printed format.

- Agencies fulfilled 319,865 records requests (77%) electronically.
- Cities/towns reported the most requests closed due to no responsive records: 29,751 (38% of statewide total).
- Cities/towns reported the most requests involving scanning physical records: 26,665 (48% of statewide total).

View the data

This **interactive dashboard** includes data from:

- **Metric 8**: Number of records requests fulfilled electronically and physically.
- **Metric 9**: Number of records requests involving scanning.

Additional data notes

This data relates to the way an agency provides records to a requester. 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 electronic form.

Part 6.
Time and cost

Agencies estimate spending more than $137 million and 1.2 million hours responding to records requests.

- State agencies, commissions, or boards had the highest estimated cost of fulfilling records requests: $42 million (31% of statewide total).
- State agencies, commissions, or boards had the highest total estimated staff hours spent on records requests: 401,823 hours (33% of statewide total).
- Agencies reported $1,904,364 in total recovered expenses associated with responding to records requests. For example, this may include asking a requester to reimburse the agency for providing physical copies of records.

View the data

This **interactive dashboard** includes data from:

- **Metric 10**: Average estimated staff hours spent responding to records requests.
- **Metric 11**: Cost of fulfilling records requests.
- **Metric 14**: Estimated costs incurred for managing and retaining records.
- **Metric 15**: Expenses recovered from requesters.

Additional data notes

This data relates to 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 (RCW 40.14.026).

Agencies reported challenges estimating the time to respond to public records requests

Agencies have different ways to estimate the staff time spent responding to public records requests. For example, some agencies assign a difficulty level to each request (e.g., easy, average, difficult) and assign each a corresponding amount of time spent. Others work with staff to calculate actual time spent.

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

Agencies reported challenges estimating the costs for managing records

Agencies used various approaches to calculate costs. JLARC staff advised agencies to separate the resources used to respond to requests from the resources used to manage records. Doing so would help avoid double counting.

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

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

Part 7.
Court cases

Agencies reported 78 court cases that were filed in 2023 alleging that an agency violated Chapter 42.56 RCW.

- 19 of the 78 (24% of statewide total) cases were filed against cities/towns.
- Another 187 (81%) agencies reported no cases filed against them during the reporting period.

Agencies reported spending $6.4 million on litigation costs.

- State agencies, commissions, or boards reported the highest litigation costs at $2,139,767 (33% of statewide total).
- Costs may include:
    - Estimate of agency staff time incurred while responding to litigation (e.g., responding to discovery, participating in depositions, attending mediation).

View the data

This **interactive dashboard** includes data from:

- **Metric 12**: Number of court cases filed alleging a violation.
- **Metric 13**: Cost of litigating cases alleging a statutory violation.

- 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.

Additional data notes

This data relates to court cases alleging that the agency violated the Public Records Act (**Chapter 42.56 RCW**) or other public records statutes. Data reported for these metrics includes the number of cases filed and costs incurred by the agency. Data does not include information about the total number of cases settled during the reporting period.

Appendices

Appendix A: Applicable statutes | **Appendix B: Reporting process** | **Appendix C: JLARC members**

Appendix A: Applicable statutes

RCW 40.14.026(5) | Agency reporting requirements –

5. To improve best practices for dissemination of public records, each agency with actual staff and legal costs associated with fulfilling public records requests of at least one hundred thousand dollars during the prior fiscal year must, and each agency with such estimated costs of less than one hundred thousand dollars during the prior fiscal year may, report to the joint legislative audit and review committee by July 1st of each subsequent year the following metrics, measured over the preceding year:
   a. The number of requests where the agency provided the requested records within five days of receiving the request.
   b. The number of requests where the agency provided a time estimate for providing responsive records beyond five days after receiving the request.
   c. The average and median number of days from receipt of request to the date the request is closed.
   d. The number of requests where the agency formally sought additional clarification from the requestor;

e. The number of requests denied in full or in part and the most common reasons for denying requests;

f. The number of requests abandoned by requestors;

g. To the extent the information is known by the agency, requests by type of requestor, including individuals, law firms, organizations, insurers, governments, incarcerated persons, the media, anonymous requestors, current or former employees, and others;

h. Which portion of requests were fulfilled electronically compared to requests fulfilled by physical records;

i. The number of requests where the agency scanned physical records electronically to fulfill disclosure;

j. The total estimated agency staff time spent on each individual request;

k. The estimated costs incurred by the agency in fulfilling records requests, including costs for staff compensation and legal review, and a measure of the average cost per request;

l. The number of claims filed alleging a violation of chapter 42.56 RCW or other public records statutes in the past year involving the agency, categorized by type and exemption at issue, if applicable;

m. The costs incurred by the agency litigating claims alleging a violation of chapter 42.56 RCW or other public records statutes in the past year, including any penalties imposed on the agency;

n. The 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; and

o. Expenses recovered by the agency from requestors for fulfilling public records requests, including any customized service charges.

Appendix B: Reporting process

State law (RCW 40.14.026) requires state, local, and other government agencies subject to the **Public Records Act** to report data about their public records activities.

Each agency is responsible for:

- Determining if it spent $100,000 or more on public records requests in the prior fiscal year. Agencies above this threshold are required to submit data for statutory performance metrics. Agencies below this threshold may submit data voluntarily.
- Ensuring the accuracy of its data. JLARC staff do not independently verify the information.

JLARC staff collect and report data from agencies

Statute directs JLARC staff to collect and report the data submitted by agencies. JLARC staff worked to:

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

This report reflects the seventh year of reporting to JLARC

Public records data submissions are an ongoing requirement. Agencies have submitted data for seven reporting periods. The reporting periods include a partial year, 2017 (July 23 – December 31), and six full years, 2018 through 2023 (January 1 – December 31).

This report highlights data reported for 2023 activities and provides data from previous years for further comparison. Data from the first reporting period in 2017 is not included for comparison because it reflected only a partial year of activity.

JLARC members on publication date

Senators	Representatives
Bob Hasegawa	Emily Alvarado
Liz Lovelett	Stephanie Barnard
Mark Mullet, Chair	April Berg
Ann Rivers	Jake Fey
Jesse Salomon	Keith Goehner
Shelly Short	Stephanie McClintock
Lynda Wilson, Secretary	Ed Orcutt, Vice Chair
Keith Wagoner	Gerry Pollet, Assistant Secretary