



PUBLIC RECORDS DATA REPORTING FREQUENTLY ASKED QUESTIONS

Updated 5/26/2018

The following information is intended to supplement and clarify JLARC’s guidance for public records data reporting. It is not to be construed as legal advice.

METRIC	QUESTION	ANSWER
2	Under the bullet that defines “respond,” does item number 4 (“acknowledge the request and request clarification”) also include any reach out to the requester other than basic confirmation of request?	<p>The focus of this metric is the average number of days it took an agency to respond to public records requests, not the number of days it took to fulfill or complete the request.</p> <p>The current statutory language requires that agencies respond to a public record request within five days. If clarification is required before the request can be fulfilled, the statute allows an agency to respond by acknowledging receipt of the request and at the same time requesting additional clarification as long as the acknowledgement occurs within five days. So, for the purposes of responding to this metric, the focus is on the number of days it took the agency to acknowledge the request.</p> <p>Additional outreach to the requester beyond the statutorily required response is not relevant to this metric.</p>
5	Why does the guidance exclude requests that are closed within five days?	This metric is focused specifically on requests for which the agency has provided an estimated time for full disclosure. If the request is closed within five days, we assume that the agency has

		not provided an estimate for full disclosure.
7	To respond to this metric, agencies are asked to provide two numbers – the number of requests closed in the reporting period that were denied in full, and the number of requests closed that were denied in part and/or included one or more redaction. Just because something was redacted, does not imply any denial. Especially in public Safety situations. For (some agencies) this would cause almost all to look like denials.	A denial of a request can occur when an agency withholds an entire record or a portion of it. For purposes of responding to this metric a redaction is considered a denial of a portion of a record.
10	The guidance asks for five data points, including “total number of requests closed where there were no responsive records or the request was closed for some other reason without being fulfilled.” This bullet is very vague and has no bearing on the metric so we are confused.	This data point was included to ensure that agencies could report on 100% of the requests closed during the reporting period. The other data points address requests that are closed because they have been fulfilled. Stakeholders pointed out that some requests can be closed for other reasons.
16	Should the cost of acquisition of a records system be included in our total if that cost was incurred prior to the reporting period?	No. Include only those costs that are incurred during the reporting period.
17	Please define customized service charges.	Customized service charges were authorized by the legislature in 2017. For more information please refer to Engrossed House Bill 1595, Section 3(3).
NA	Is the reporting requirement purely to provide data for use in governing the AG’s consultation and Archivists training programs?	Both ESHB 1594 Section 4 (which addresses the consultation and training programs) and Section 6 (state and local public records reporting requirement) focus on best practices in public records retention and disclosure. However, legislation does not establish a direct link between the state and local agency reporting and the consultation and training programs. With that said, the data reported by state and local agencies may

		<p>provide insights that will help the Attorney General’s office and the State Archivist’s office focus their efforts as they develop and provide training and consultation on best practices.</p> <p>There has also been some confusion about the distinction between the state and local agency public records reporting requirement and the legislatively-directed JLARC review of the Attorney General’s consultation program and the State Archivist’s training program. Although both of these are included in the Section 6 of ESHB 1594, they are two separate and distinct activities.</p> <ul style="list-style-type: none"> • Section 6, subsection 3, requires JLARC to complete a review of the attorney general’s consultation program and the State Archivist’s training program. Section 6, subsection 7 directs that review to be complete by December 2019. The focus of that review is on the effectiveness of these two programs. • The public records reporting requirement, set forth in ESHB 1594, Section 6(5), is an on-going annual reporting requirement for certain state and local agencies. The legislation did not include a sunset provision or an end date for the reporting requirement.
NA	Should we expect this reporting requirement to extend indefinitely?	There is currently no end date for the state and local reporting. ESHB 1594 does not establish a sunset date for this reporting. Therefore, this should be viewed as an on-going annual reporting requirement.
NA	Understanding that JLARC will not be auditing the information, are there any consequences for accidental	ESHB 1594 does not include any penalties for misreporting or failure to report. While JLARC will not be auditing the data

	misreporting or not reporting that you are aware of?	submitted, they will provide a method for the public and the legislature to view and analyze the data. Each agency is ultimately responsible for the accuracy and completeness of its annual reported data.
NA	Currently our county views each elected official as an independent agency and they intend to report separately. Does the system you are currently looking at implementing for collecting the data allow for this?	Yes, the reporting system will allow each independent county agency to report separately. County agencies will need to work together to ensure the data reported is not duplicative. For example, if several independent agencies invest in a public records system, each agency should only report its own contribution to the cost of the system, and not the total cost.
NA	I did the worksheet for our public record request stats and we did not meet the reporting requirement threshold for the period 7/23/17 – 12/31/17. Therefore, we do not report in July 2018?	<p>An agency that does not meet the \$100,000 threshold is not required to submit a report but may report their data voluntarily.</p> <p>ALL agencies, regardless of expenditure level, must log into the system and indicate one of the following:</p> <ul style="list-style-type: none"> • The agency does not meet the reporting threshold and will not be reporting. • The agency does not meet the reporting threshold and will submit a report voluntarily. • The agency does meet the reporting threshold and will be submitting a report as required.
NA	I'm pretty sure we will meet the threshold for 2018 (1/1/18 thru 12/31/18); will reporting for this time period also be due July 2019 or can we submit it as soon as we have all answers complete?	<p>Unless there is a change in the statute, the reporting period will remain the same for reporting 2018 data. Therefore, reporting would be due by July 2019.</p> <p>JLARC is in the process of establishing its reporting tool. We'll be better able to answer your question about when you can submit reporting for 2018 activity once the system is put in place.</p>

<p>NA</p>	<p>How do we handle requests that are received and started at the end of one year (2017) and finished during the beginning of the next year (2018)? Which reporting year would those fall under?</p>	<p>It depends on the metric.</p> <p>For example, Metric #2 asks specifically for “Total number of requests open at the beginning of the reporting period (this information will also be provided with the baseline data.)” This includes all the requests that were received and started prior to the end of one year and finished during following year.</p> <p>Metric #7 focuses on the requests that are closed during the reporting period. This would include requests received the prior year that were still open coming into the reporting period, and any new requests that were opened (and subsequently closed) during the reporting period.</p> <p>You’ll have to read each metric carefully. If you have any questions about whether to include requests that were opened prior to the reporting period, please don’t hesitate to ask.</p>
<p>NA</p>	<p>When I sent out a notice that we needed to track Public Records Request to see if our county spends more than \$100,000 per year, I was informed by the Courts that most of their public records requests are not covered by the Public Records Act but by (General Rules) GR 31. Does that exempt the GR 31 records request from being part of PRA tracking?</p>	<p>According to the Washington Attorney General’s Office Open Government Resource Manual, court case files are not covered by the Public Records Act (PRA) and therefore would not be subject to this reporting requirement. The public records data reporting requirements apply to records and requests covered by the PRA. According to the Open Government Resource Manual, access to court records is governed by court rules General Rule 31 (access to court records) and 31.1 (access to administrative records).</p> <p>Please note this should not be construed to be legal advice. If you have questions about what constitutes public records requests that are subject to this reporting, please consult your agency’s legal counsel.</p>

FAQs below were added on 5/11/18

<p>NA</p>	<p>Would we keep police information separate? Should the police be tracking their requestors separately from the rest of the agency reporting? For example, the police department has been tracking “individual” as a separate tag from the agency individuals, so we have two “individual” requestor types.</p>	<p>For the purposes of reporting public records data to JLARC each agency is required to submit a single report, so police data would not be reported in a separate report.</p> <p>If your agency has been tracking two different types of individual requestors, you may report these separately using the “other” option for the second requestor type. Separating the two sets of individual requestor types is not required however, and it is entirely appropriate to report them all under “individual.”</p>
<p>NA</p>	<p>Our city contracts its police services through the County Sheriff’s Office. Can you tell me if the city or county should report our police-related records requests?</p>	<p>If your city contracts out its police services through the county, the terms of the contract may address the question of which agency will be responsible for responding to public records requests. If the contract assigns that responsibility to the county and county staff are processing the city’s police-related requests the county should report the data. If city administrative staff are continuing to receive and process police-related records requests, however, the city would be responsible for reporting the data to JLARC. We recommend you consult your city’s legal counsel for further clarification for your specific jurisdiction.</p>
<p>NA</p>	<p>We have a couple of staff who are preparing data for reporting to JLARC. Can more than one staff person enter data on the JLARC reporting system?</p>	<p>Yes, more than one person may log in and enter data into your agency’s report to JLARC. The system is designed, however, to allow only one report to be submitted from each agency.</p>

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<p>13 & 16</p>	<p>Some agencies have costs associated with a system that is used for both managing and retaining public records (Metric 16) and for responding to</p>	<p>In some circumstances an agency may have incurred costs for supplies or services that could be reported under Metric 13 (costs incurred to fulfill public records</p>
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	<p>public records requests (Metric 13). How should these be reported?</p>	<p>requests) and Metric 16 (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 13 and 50% under Metric 16. Please do not double count the cost by including it in both metrics.</p> <p>This clarifying language has been added to the agency guidance document.</p>
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