

# Briefing Report: 2017 Public Records Reporting

January 2019

## 2017 Legislature required public agencies to report public records information

[RCW 40.14.026](#) requires agencies subject to the Public Records Act to report information about public records retention, management, and disclosure. Agencies that spend \$100,000 or more fulfilling public records requests in a year must report information. Others may do so voluntarily. Each agency is responsible for determining whether they meet the reporting threshold. See Tab 1 for more detail about the reporting process.

## JLARC staff directed to collect and report data from agencies

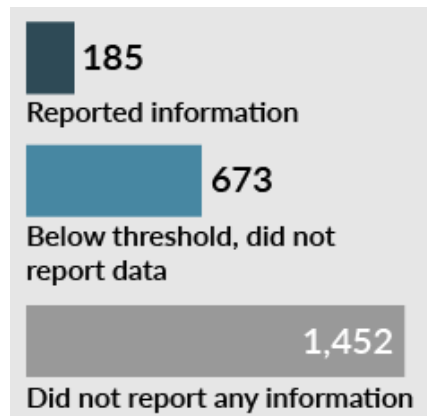
The same law directs the Joint Legislative Audit and Review Committee (JLARC) to standardize definitions for the metrics in statute and develop a process to collect information from agencies.

JLARC staff identified 2,310 agencies that may be subject to the reporting requirement, and used multiple communication channels to inform agencies about how to report information.

### Public agency 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.



## 858 agencies responded to JLARC

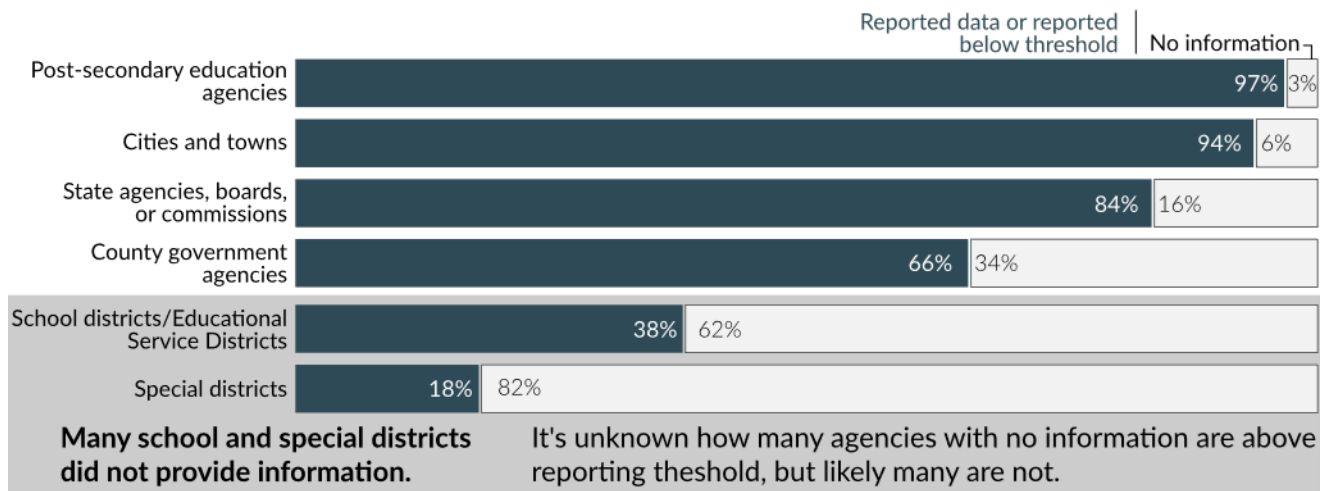
Agencies reported data related to 18 performance metrics based on provisions in the law. Metrics include information about records request response time, costs, staff time, and how agencies respond to records. Summaries and agency-level detail for each metric are available in interactive dashboards.

JLARC staff provided guidance, definitions, and a reporting system to agencies but did not verify the accuracy of the data reported by agencies.

## Reporting rates vary, likely because many agencies do not meet the reporting threshold

Agencies that spend \$100,000 or more fulfilling public records requests in a year must report information. Others may do so voluntarily. Each agency is responsible for determining whether they meet the expenditure threshold. See Tab 2 for more detail about the agencies that reported information.

### Most state, local, and higher education agencies reported information



## Data quality likely inconsistent, but may improve in future as definitions and agency practices are refined

Agencies experienced challenges reporting information in the first year:

- Agencies collected data without standardized definitions and used different data collection approaches.
- Agencies reported averages for many metrics, which can be skewed by a small number of extreme events.

Data quality is expected to improve as agencies have time to develop more robust practices to address the new statutory data requirements. See Tab 3 for more detail about data quality.

There are opportunities to modify the metrics to provide improved information. Based on the experience of the first year of data collection, JLARC staff are incorporating two changes for the next year of data collection to better align metrics with agency practices. The Legislature could also make statutory changes to metrics after reflecting on the first year of data.

*This report was updated on 1/22/2019 to correct for a software calculation error on metric 3.*

# REPORTING PROCESS

## 1. Required reporting began in 2018

State and local government agencies that spend over \$100,000 fulfilling public records requests must report information to JLARC

### 2017 Legislature required public agencies to report public records information

[RCW 40.14.026](#) requires public agencies to report information about public records retention, management, and disclosure.

- Agencies include state agencies, boards, and commissions. It also includes counties, cities, towns, school districts, higher education, special purpose districts, and any other public agency subject to the [Public Records Act](#).
- Agencies that spend \$100,000 or more fulfilling public records requests must submit a report. Those that spend less than \$100,000 may report voluntarily. Each agency is responsible for determining whether they meet this reporting threshold.
- Agencies are responsible for the accuracy of their data. JLARC staff do not independently verify the information.

### JLARC staff directed to collect and report data from agencies

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

JLARC staff and their consultants from Sightline, LLC worked with an advisory committee that included state and local agencies, as well as other stakeholders, to develop definitions. The work included developing an online reporting system, writing guidance documents, publishing standard definitions, giving public presentations, and providing telephone and email support during the reporting period. For more details, see the Methodology Tab.

### Agencies began reporting information in 2018

Agencies must report public records performance data for each calendar year. Because the law took effect in July 2017, this first report only includes information about public records requests addressed during the period of July 2017 through December of 2017. Future reports will encompass performance data for a complete calendar year.

## Exhibit 1.1: Agencies began reporting public records performance data in 2018



Source: JLARC staff depiction of data collection development process.

# REPORTING PROCESS

## 2. Reporting rates vary

Agency reporting rates vary, likely because many agencies do not meet the reporting threshold

### JLARC staff received information from 858 state, local, and other public agencies

No single list exists of all public agencies that are subject to the Public Records Act. In the absence of a comprehensive list, JLARC staff identified 2,310 public agencies based on information from the Municipal Research and Services Center, the State Auditor's Office, and the Office of the Code Reviser.

- Each agency was responsible for determining whether they met the \$100,000 expenditure threshold for required reporting.
- JLARC staff asked that every agency report whether it met the funding threshold.

Agencies reported 2017 information through an online system between May and July 2018.

### Exhibit 2.1: Overall, 858 agencies (37%) either submitted information or indicated that they did not meet the \$100,000 threshold



Source: Information reported by public agencies.

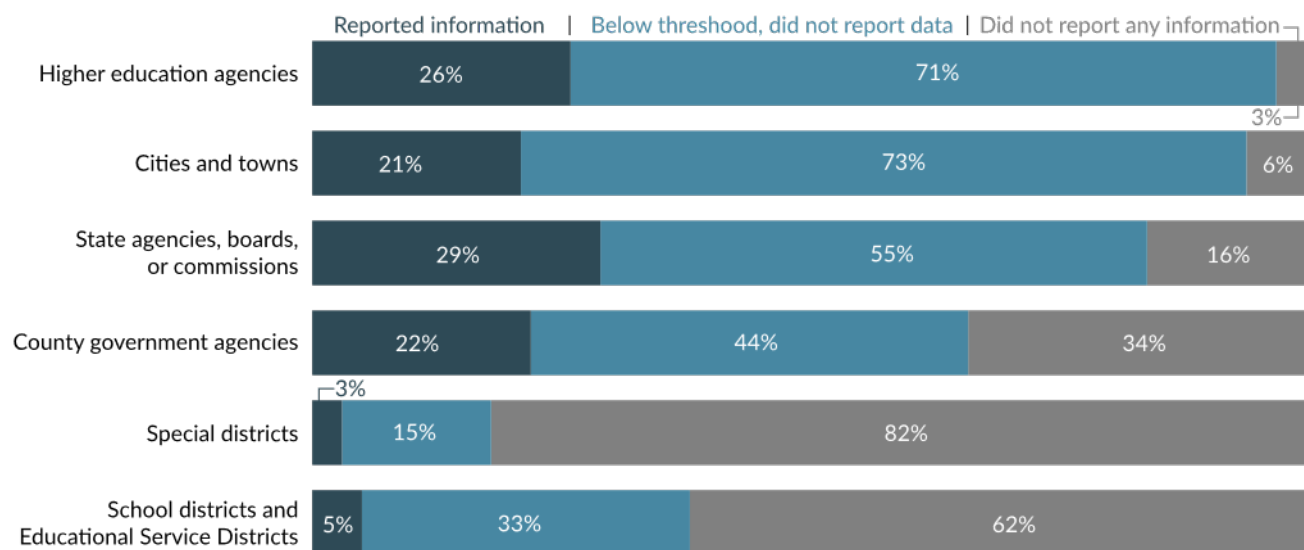
Note: "Reported information" includes all agencies that provided data to JLARC. Of these, 127 met the threshold, while 58 reported voluntarily.

## Reporting rates varied by the type of agency

Most state, local, and higher education agencies reported information to JLARC. Reporting rates varied from 97 percent (higher education) to 67 percent (county agencies). In the graphic below, agencies are categorized as follows:

- **Reported information:** All agencies that provided data to JLARC, including both required and voluntary reports.
- **Below threshold, did not report data:** All agencies that reported they were below the \$100,000 threshold and declined to submit a voluntary performance metric report.
- **Did not report any information:** All agencies that did not provide information to JLARC (that is, did not respond at all). It is unclear if these agencies were required to submit a performance metric report.

### Exhibit 2.2: Most state, local, and higher education agencies reported information



Source: Data reported by public agencies.

## While many school and special districts did not report any information, it is likely that many did not meet the \$100,000 reporting threshold

A total of 1,452 agencies did not report information to JLARC nor did they indicate that they spent less than \$100,000.

Based on JLARC staff analysis of agency expenditures, it is likely that many non-reporting agencies did not meet the reporting threshold.

- JLARC staff do not know whether these agencies are above or below the reporting threshold, which is defined as annually spending more than \$100,000 responding to public records requests.
- However, JLARC staff identified that 1,296 of the 1,452 agencies that did not report (89%) had total annual operating expenditures of less than \$10 million.
- If these agencies spent up to 1 percent of their operating budgets responding to public records requests, then they would be under the reporting threshold.

## More detail available in an interactive dashboard

Click the image below for details about the agencies that did not report information to JLARC.

No information available for 1,406 agencies ⓘ

Select agency category to filter data	Select agency name to filter data	Select expenditures to filter data
(All)	(All)	(All)
Agency name	Expenditures	Agency category
Aberdeen School District No. 2	\$46,504,706	School District/ESD
Adams County Cemetery District No. 1	\$8,052	Special District
Adams County Cemetery District No. 2	\$3,423	Special District
Adams County Cemetery District No. 3		
Adams County Fire Protection District No. 1		
Adams County Fire Protection District No. 2		
Adams County Fire Protection District No. 3		
Adams County Fire Protection District No. 4		
Adams County Fire Protection District No. 5		
Adams County Fire Protection District No. 6 - Berge	\$22,897	Special District
Adams County Fire Protection District No. 7 - Washouca	\$41,837	Special District
Adams County Parks and Recreation District No. 1	\$13,898	Special District
Adams County Parks and Recreation District No. 2	\$45,538	Special District
Adams County Parks and Recreation District No. 3	\$69,829	Special District
Adams County Parks and Recreation District No. 4	\$336,704	Special District
Adams County Public Hospital District No. 2 - East Adams Rural	\$5,471,467	Special District

Click here to view  
interactive dashboard

Source: JLARC staff analysis.

# REPORTING PROCESS

## 3. Data quality likely to improve

Data quality inconsistent, but may improve in future as definitions and agency practices are refined

### Agencies experienced three key challenges in reporting accurate and complete information

1. **Due to effective dates of state law, agencies began compiling initial data before complete guidance was available.**
  - **Challenge:** Until JLARC staff issued guidance in November 2017, agencies often had to begin collecting data without standard definitions in place. Agencies used a variety of approaches to collect required data.
  - **Data quality improvement:** The standards are now in place. It is likely that data collection processes and estimates will improve as agencies have time to develop more robust internal processes for collecting and reporting required data elements.
2. **Statute requires agencies to report averages for some metrics (e.g., average time to respond).**
  - **Challenge:** An average may not reflect a typical records request if there are significant outliers. For example, a single records request can make an agency's average time or cost appear much higher than it otherwise would be. Agencies told JLARC staff that it may be helpful to explain the reported numbers.
  - **Data quality improvement:** Moving forward, agencies will have the option to provide comments for each metric to explain factors they believe affect the data, such as outliers that could skew averages.
3. **Data collected represents a partial calendar year.**
  - **Challenge:** Due to the date the law went into effect, agencies collected data for a portion of the calendar year. The reporting period was July 23, 2017 through December 31, 2017.
  - **Data quality improvement:** Moving forward, agencies will collect and report data for an entire calendar year.

There are opportunities to modify the metrics to improve information. Based on the experience of the first year of data collection, JLARC staff are incorporating two changes for the next year of data collection to better align metrics with agency practices. The Legislature could also make statutory changes to metrics after reflecting on the first year of data.

### Exhibit 3.1: Clarifications made to reporting guidance for next reporting period

Statutory metric	Opportunity to enhance information	Reporting process changes
Average time to respond to public records requests (Metric 2)	<ul style="list-style-type: none"> <li>• Statute requires a response within 5 days.</li> <li>• Data could indicate the percent of requests that received a response on time. This would be a better indicator of compliance and be easier for agencies to determine.</li> </ul>	Data collected will include percent of requests that received a response within five days.
Average time estimate provided for full disclosure compared to average actual time (Metric 5)	<ul style="list-style-type: none"> <li>• Agencies are not required to provide estimates for full disclosure.</li> <li>• Many agencies that provide estimates do so for batches of records. Agencies noted they often don't provide an estimate for full disclosure.</li> <li>• This metric collects data only about estimates for full disclosure in instances when an estimate was provided.</li> </ul>	Reporting process now allows agencies to indicate if they do not provide estimates for full disclosure. Process will continue to collect information on actual time for full disclosure.



# 2017 PUBLIC RECORDS DATA

## A. Overview of all metrics

### 2017 Legislature identified performance metrics related to public records retention, management, and disclosure


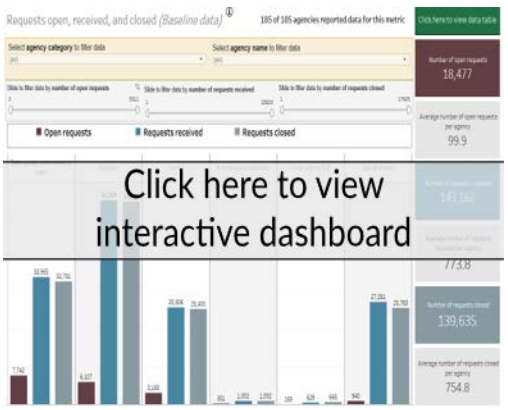
#### Data reported by public agencies is compiled in interactive dashboards


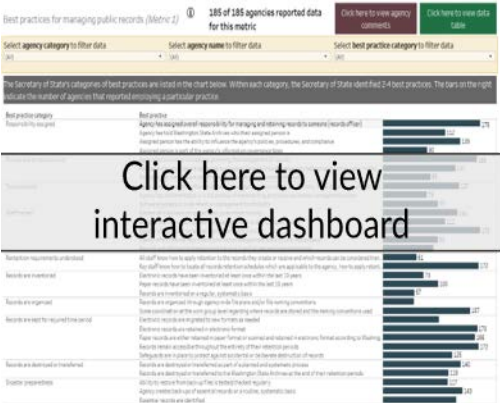



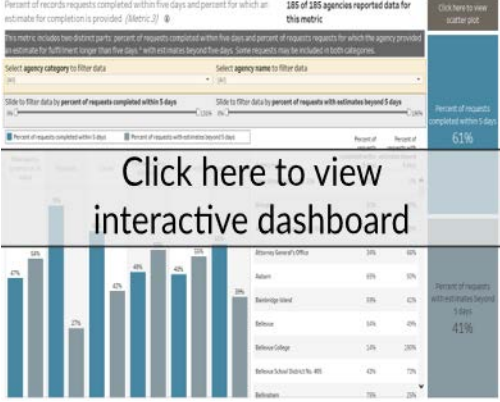
The images below open interactive dashboards for each metric in a new tab.



- Make selections to the data using the drop down menus and sliders highlighted in yellow.
- View [instructions](#) to learn more about navigating the dashboards.
- All data is for the 2017 reporting period (July 23, 2017 to December 31, 2017).





Agencies were responsible for the accuracy of their data, and questions should be directed to the reporting agency. JLARC staff did not independently verify the information.

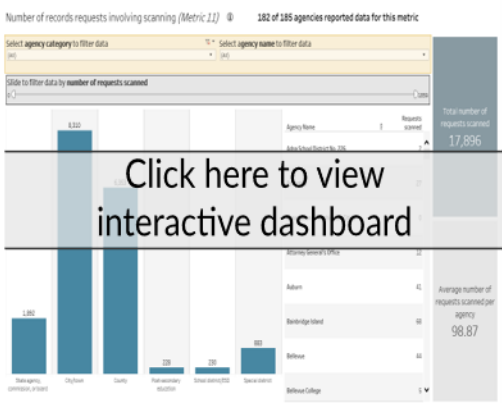
To download the complete dataset in an Excel file [click here](#).


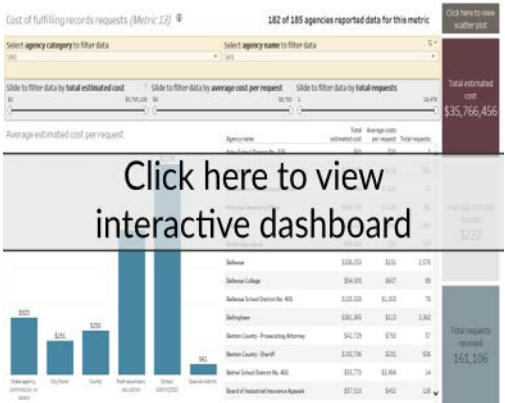



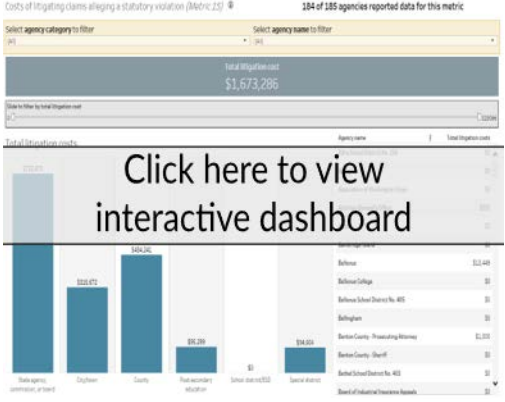
Statutory metric	Metric definition	Link to dashboard
<p>Requests open, received, and closed (Baseline data)</p> <p><i>See Tab B for more information.</i></p>		


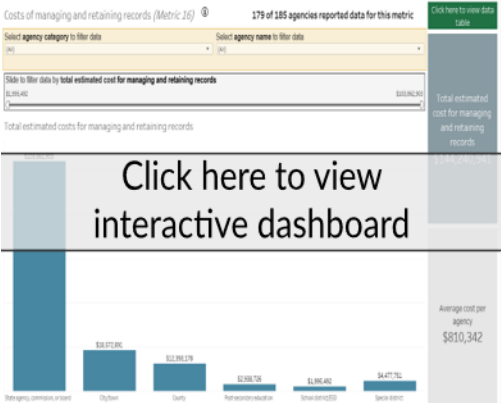

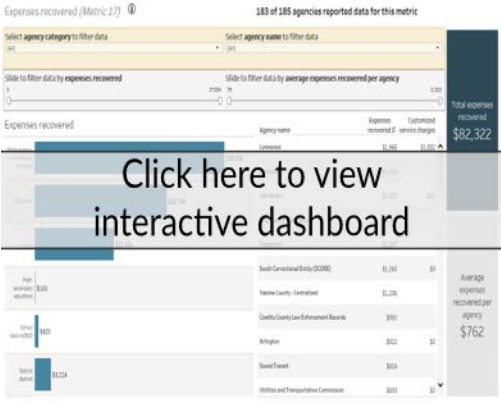

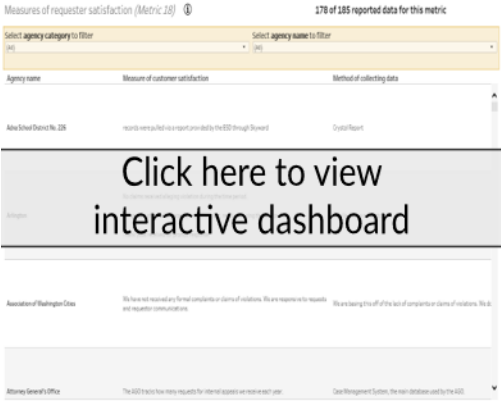
Statutory metric	Metric definition	Link to dashboard
<p>Metric 1 - Best practices for managing public records</p> <p>See Tab H for more information.</p>		
<p>Metric 2 - Average time to respond to records requests</p> <p>See Tab C for more information.</p>		
<p>Metric 3 - Percent of records requests fulfilled within five days and percent for which an estimate for fulfillment is provided</p> <p>See Tab C for more information.</p>		

Statutory metric	Metric definition	Link to dashboard
<p>Metric 4 - Average number of days from receipt to final disposition of a request See Tab C for more information.</p>		 <p>Click here to view interactive dashboard</p>
<p>Metric 5 - Average time estimate provided for full disclosure and average actual time See Tab C for more information.</p>		 <p>Click here to view interactive dashboard</p>
<p>Metric 6 - Number of records requests where the agency sought clarification from the requester See Tab D for more information.</p>		 <p>Click here to view interactive dashboard</p>

Statutory metric	Metric definition	Link to dashboard
<p>Metric 7 - Number of records requests denied and common reasons See Tab D for more information.</p>		 <p>Number of records requests denied and common reasons (Metric 7) 183 of 185 agencies reported data for this metric</p> <p>requests fully denied 5,615</p> <p>requests partially denied 40,429</p> <p>Click here to view interactive dashboard</p>
<p>Metric 8 - Number of abandoned records requests See Tab D for more information.</p>		 <p>Number of abandoned records requests (Metric 8) 182 of 185 agencies reported data for this metric</p> <p>Number of requests abandoned by requesters 4,736</p> <p>Click here to view interactive dashboard</p>
<p>Metric 9 - Number of records requests, by type of requester See Tab B for more information.</p>		 <p>Number of records requests, by type of requester (Metric 9) 182 of 185 agencies reported data for this metric</p> <p>requests received 142,855</p> <p>Click here to view interactive dashboard</p>

Statutory metric	Metric definition	Link to dashboard
<p>Metric 10 - Percent of records requests fulfilled electronically and physically See Tab E for more information.</p>		 <p>Percent of records requests fulfilled electronically and physically (Metric 10) 183 out of 185 agencies reported data for this metric</p> <p>Click here to view data table</p> <p>Select agency category to filter data: All   Select agency name to filter data: All</p> <p>Requests fulfilled by electronic means: 95,673 (70.75%) Requests fulfilled by physical records: 40,000 (29.25%)</p> <p>Click here to view interactive dashboard</p>
<p>Metric 11 - Number of records requests involving scanning See Tab E for more information.</p>		 <p>Number of records requests involving scanning (Metric 11) 182 of 185 agencies reported data for this metric</p> <p>Click here to view data table</p> <p>Select agency category to filter data: All   Select agency name to filter data: All</p> <p>Slide to filter data by number of requests scanned: 0 to 17,896</p> <p>Click here to view interactive dashboard</p>
<p>Metric 12 - Average staff time spent responding to records requests See Tab F for more information.</p>		 <p>Average staff time spent responding to records requests (Metric 12) 182 of 185 agencies reported data for this metric</p> <p>Click here to view scatter plot</p> <p>Select agency category to filter data: All   Select agency name to filter data: All</p> <p>Slide to filter data by estimated staff hours: 0 to 24,915</p> <p>Slide to filter data by average staff time per request: 0 to 3.5</p> <p>Slide to filter data by total requests (sum = received): 0 to 161,106</p> <p>Click here to view interactive dashboard</p>

Statutory metric	Metric definition	Link to dashboard
<p>Metric 13 - Cost of fulfilling records requests See Tab F for more information.</p>		
<p>Metric 14 - Number of claims alleging a statutory violation See Tab G for more information.</p>		
<p>Metric 15 - Costs of litigating claims alleging a statutory violation See Tab G for more information.</p>		

Statutory metric	Metric definition	Link to dashboard
<p>Metric 16 - Costs of managing and retaining records See Tab F for more information.</p>		
<p>Metric 17 - Expenses recovered See Tab F for more information.</p>		
<p>Metric 18 - Measures of requester satisfaction See Tab H for more information.</p>		

# 2017 PUBLIC RECORDS DATA

## B. Records received and closed

### Agencies reported 143,162 records requests from individuals, organizations, law firms, and governments

A total of 185 agencies reported information to JLARC during the 2017 reporting period<sup>1</sup>. These agencies received 143,162 records requests.

### Exhibit B1: While agencies received an average of 774 public records requests, the range varied from 1 to 18,933

#### Requests open, received, and closed (*Baseline data*)

Baseline data includes:

- 18,477 public records requests that were open at the start of the reporting period.
- 143,162 public records requests that were received during the reporting period.
- 139,635 public records requests that were closed during the reporting period.

South Sound 911 reported the largest number of records requests at 18,933 requests.

Five agencies received one records request.

Each agency received an average of 774 requests.

[Click here](#) to view interactive dashboard.

[Metric definition](#)

Source: JLARC staff compilation of data reported by 185 agencies.

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<sup>1</sup>July 23, 2017 to December 31, 2017



## Exhibit B2: The most common requesters were individuals, organizations, law firms, and governments

### Number of records requests, by type of requester (Metric 9)

This data includes information about people who make public records requests.

Agencies do not solicit this information from requesters. Requester type was reported only when it was known by the agency. For the 2017 [reporting period](#)<sup>2</sup>, the most common types of requesters were individuals, organizations, law firms, and governments.

37,397 requests were made by unknown entities.

1,380 requests were made by current or former employees.

[Click here](#) to view interactive dashboard.

[Metric definition](#)

Source: JLARC staff compilation of data reported by 182 agencies.

## 2017 PUBLIC RECORDS DATA

### 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:

- Send an acknowledgement of the request and estimate the time needed to provide 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.

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<sup>2</sup>July 23, 2017 - December 31, 2017

A request is considered **closed** when the agency either:

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

### Exhibit C1: Agencies responded to records requests in an average of 3.1 days

#### Average time to respond to records requests (*Metric 2*)

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

State average time to respond: 3.1 days.

Office of Administrative Hearings reported the longest average time to respond to public records requests at 33.7 days.

39 agencies reported less than 1 day to respond to public records requests.

[Click here](#) to view interactive dashboard.

[Metric definition](#)

Source: JLARC staff compilation of data reported by 185 agencies.

### Exhibit C2: 56 percent of records requests were closed within 5 days

#### Percent of records requests fulfilled within five days and percent for which an estimate for fulfillment is provided (*Metric 3*)

Statewide, 56 percent of requests were closed within five days.

For 35 percent of requests, agencies estimated that fulfilling the request would take more than 5 days.

Some requests may be included in more than one category.

[Click here](#) to view interactive dashboard.

[Metric definition](#)

This metric was updated on 1/22/2019 to correct for a software calculation error on metric 3.

Source: JLARC staff compilation of data reported by 185 agencies.

## Exhibit C3: Agencies closed records requests in an average of 16 days

Average number of days from receipt to final disposition of a request (*Metric 4*)

Agencies reported that large requests may affect their calculations of the average number of days between receiving and closing a records request.

- Statewide, the average number of days to final disposition was 16 days.
- Local government agencies reported the shortest response time, with an average of 8 days to final disposition.
- Post-secondary education agencies reported the longest time to final disposition, with an average of 43 days.

[Click here](#) to view interactive dashboard.

[Metric definition](#)

Source: JLARC staff compilation of data reported by 185 agencies.

## Exhibit C4: Agencies often do not provide estimates of time for full disclosure of all records

Average time estimate provided for full disclosure and average actual time (*Metric 5*)

This metric applies only to the portion of requests for which an agency estimated the time needed to fulfill the entire records request.

Many agencies do not provide such estimates. Instead, agencies may provide estimates for the amount of time it takes to provide batches of records, or seek clarification about the records being sought. Agencies reported that large requests may affect their calculations of the average number of days.

In cases when estimates for full disclosure were provided, on average, agencies underestimated the amount of time it took to provide records. In these instances, agencies told requesters it would take an average of 117 days to provide records. Compared to these estimates, the actual response time was longer. On average, in these instances, agencies reported taking 153 days to provide records.

Statewide average estimated days to provide records: 117 days.

Statewide average actual days to provide records: 153 days.

[Click here](#) to view interactive dashboard.

[Metric definition](#)

Source: JLARC staff compilation of data reported by 183 agencies.

# 2017 PUBLIC RECORDS DATA

## D. Request response process data

### Few records requests were clarified, denied, or abandoned

The metrics on this page relate to records 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: Five percent of records requests required clarification

Number of records requests where the agency sought clarification from the requester (*Metric 6*)

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.

Total requests that required clarification: 7,123.

- Of the requests that required clarification, 44 percent were made to local government agencies.
- Less than 1 percent of requests that required clarification were made to post-secondary education.

Seattle reported the largest number of requests needing clarification at 505 requests.

19 agencies reported no requests needing clarification.

[Click here](#) to view interactive dashboard.

[Metric definition](#)

Source: JLARC staff compilation of data reported by 183 agencies.

## Exhibit D2: Three percent of requests were fully denied, and 25 percent were partially denied or redacted

### Number of records requests denied and common reasons (*Metric 7*)

5,615 requests were fully denied.

State agencies, commissions, and boards accounted for 43 percent of fully denied requests.

Washington State Patrol reported the most requests fully denied at 1,185 requests.

75 agencies reported no requests fully denied.

40,429 requests were partially denied.

Local governments accounted for almost half of the partially denied requests.

Department of Health reported the most requests partially denied at 6,037 requests.

26 agencies reported no requests partially denied.

[Click here](#) to view interactive dashboard.

[Metric definition](#)

Source: JLARC staff compilation of data reported by 183 agencies.

## Exhibit D3: 3 percent of requests were abandoned by requesters

### Number of abandoned records requests (*Metric 8*)

4,736 requests were abandoned by requesters.

Seattle reported the largest number of requests abandoned by requesters at 1,260 requests.

43 agencies reported no requests abandoned by requesters.

Half of the abandoned requests were made to local government agencies.

[Click here](#) to view interactive dashboard.

[Metric definition](#)

Source: JLARC staff compilation of data reported by 182 agencies.

# 2017 PUBLIC RECORDS DATA

## 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

Percent of records requests fulfilled electronically and physically (*Metric 10*)

71 percent of requests were fulfilled with only electronic records.

13 percent of requests were fulfilled with only physical records.

4 percent of requests were fulfilled with a combination of physical and electronic records.

12 percent of requests were closed due to no responsive records.

[Click here](#) to view interactive dashboard.

[Metric definition](#)

Source: JLARC staff compilation of data reported by 183 agencies.

## Exhibit E2: 11 percent of requests required agencies to scan physical records

Number of records requests involving scanning (*Metric 11*)

11 percent of requests required agencies to scan physical records.

Skagit County Records Management reported the largest number of requests requiring scanning at 1,859 requests.

19 agencies reported no requests required scanning.

On average, each agency received 99 requests that required scanning of physical records.

[Click here](#) to view interactive dashboard.

[Metric definition](#)

Source: JLARC staff compilation of data reported by 182 agencies.

## 2017 PUBLIC RECORDS DATA

### F. Cost and time

#### Reporting agencies estimated spending over 556,000 hours and \$35.8 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](#)<sup>3</sup>.

As with all data metrics included in this report, time and cost estimates reflect estimates only for the 185 agencies that reported data. Estimates do not include costs for the 673 agencies reporting they were below the threshold, nor the 1,452 agencies that reported no information.

Also, time and cost estimates reflect less than half of calendar year 2017 (July 23- December 31). This is due to the effective dates for the first year of data collection. Data collection in future years will reflect a full calendar year of information.

While agencies used various approaches to calculating costs, JLARC staff advised agencies to avoid double counting by seeking to separate the costs of responding to requests from the costs of managing records.

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<sup>3</sup>RCW 40.14.026

## **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.

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, including:

- Determining costs for the initial reporting period (July 23 through December 31).
- 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 556,206 staff hours responding to public records requests

### Average staff time spent responding to records requests (*Metric 12*)

Averages may not always reflect a typical records request.

Statewide average of 3,065 hours per agency.

Statewide average of 3.45 hours per request.

Auburn reported the largest estimated staff hours at 59,213 hours.

9 agencies reported 1 hour for estimated staff hours.

School districts and Educational Service Districts reported the most staff time spent, with an average of 37 hours per request. Special districts reported the least amount, with an average of 45 minutes per request.

[Click here](#) to view interactive dashboard.

[Metric definition](#)

Source: JLARC staff compilation of data reported by 182 agencies.

## Exhibit F2: Agencies spent \$35.8 million fulfilling records requests

### Cost of fulfilling records requests (*Metric 13*)

The total estimated cost to agencies was \$35.8 million.

This represents a partial year of costs for the period of July 23, 2017 to December 31, 2017.

The average cost per agency was \$196,519 and the average cost per request was \$222.

Department of Corrections reported the largest total estimated cost at \$3,795,108.

Two agencies reported no total estimated costs.

[Click here](#) to view interactive dashboard.

[Metric definition](#)

Source: JLARC staff compilation of data reported by 182 agencies.

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

### Costs of managing and retaining records (*Metric 16*)

This represents a partial year of costs for the period of July 23, 2017 to December 31, 2017.

The average cost per agency was \$805,815.

Department of Natural Resources reported the largest cost at \$78,012,928.

Nine agencies reported no total estimated costs.

[Click here](#) to view interactive dashboard.

[Metric definition](#)

Source: JLARC staff compilation of data reported by 179 agencies.

## Exhibit F4: Agencies recovered \$82,322 of costs associated with responding to records requests

### Expenses recovered (*Metric 17*)

Agencies may collect fees or payment from requesters to cover expenses incurred in responding to a records request.

Collectively, state agencies, boards, and commissions reported the most costs recovered at \$36,936 (45 percent of total costs recovered).

On average, each agency recovered \$762 total, or about 50 cents per request.

Department of Ecology reported the largest expenses recovered at \$27,284.

Woodinville reported \$0 in expenses recovered, 8 agencies reported under \$10 in expenses recovered.

[Click here](#) to view interactive dashboard.

[Metric definition](#)

Source: JLARC staff compilation of data reported by 183 agencies.

# 2017 PUBLIC RECORDS DATA

## G. 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 includes 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 105 court claims alleging that an agency violated Chapter 42.56 RCW and \$1.6 million in litigation costs. 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.
- Attorney fees for the requester's attorney.
- Costs for the requester's litigation.

### Exhibit G1: 105 court claims were filed against agencies alleging a statutory violation

Number of court claims alleging a statutory violation (*Metric 14*)

60 percent of court claims were filed against state agencies, commissions, and boards.

The Department of Corrections accounted for 31 percent (33 court claims) of the total court claims filed.

146 agencies reported no court claims filed during the reporting period.

[Click here](#) to view interactive dashboard.

[Metric definition](#)

Source: JLARC staff compilation of data reported by 180 agencies.

## Exhibit G2: Agencies spent \$1.67 million on litigation for court claims alleging a statutory violation

### Costs of litigating court claims alleging a statutory violation (*Metric 15*)

State agencies, commissions, and boards reported the highest litigation costs at \$733,470 (44% of statewide total).

School districts/ESDs reported no litigation costs.

Department of Financial Institutions reported the largest litigation costs at \$219,066.

133 agencies reported no litigation costs.

[Click here](#) to view interactive dashboard.

[Metric definition](#)

Source: JLARC staff compilation of data reported by 184 agencies.

# 2017 PUBLIC RECORDS DATA

## H. Satisfaction and best practices

### Information on best practices and customer satisfaction

The metrics on this page relate to best practices for public records management and customer satisfaction.

For purposes of this report, JLARC staff used 10 best practice issue categories established by public records staff at the [Secretary of State](#). Within each category, agencies had a variety of options they could select to indicate specific practices they may or may not be employing to address that issue. The interactive dashboard below allows readers to explore which specific practices agencies indicated they are currently using.

The issue categories include:

BEST PRACTICE	DEFINITION
Responsibility assigned	Someone in the agency has overall responsibility for managing and retaining records.
Policies and procedures exist	Agency has written policies and procedures for managing and retaining records.
Tools available	Agency has adequate software, hardware and physical storage for managing and retaining records.
Staff trained	Agency staff know how to manage and retain their records.
Retention requirements understood	Agency knows how long each type of record needs to be retained.
Records are inventoried	Agency knows what records they have, where they are and their formats.
Records are organized	Agency keeps records organized to help with access, security and destruction/transfer.
Records are kept for required time period	Agency keeps records for the minimum retention period listed in current approved records retention schedules.
Records are destroyed/transferred	Agency destroys "Non-Archival" records and transfers "Archival" records to Washington State Archives at the end of the minimum retention period.
Disaster preparedness	Agency has plans and backups of records needed to resume critical operations in the event of a disaster.

### 178 agencies reported ways they obtain information about customer satisfaction

There is not a standardized requirement to collect comparable customer satisfaction measures from public records requesters.

178 of 185 agencies responded to JLARC about methods they use to get information about customer satisfaction. These agencies reported a wide variety of measurement approaches. Common methods include follow-up surveys, tracking correspondence from requesters, and tracking complaints.

Since there is no standard requirement or consistent method used across the state, JLARC staff do not have data on actual measurement levels of satisfaction.

The interactive dashboard below allows users to explore how individual agencies obtain information about customer satisfaction.

## Exhibit H1: Agencies reported how they address best practice issue areas identified by the Secretary of State

### Best practices for managing public records (*Metric 1*)

During the data collection process, agencies identified the practices they currently implement. If an agency implemented a practice not included in the Secretary of State's list, they selected "other" and described the practice in agency comments.

[Click here](#) to view interactive dashboard.

[Metric definition](#)

Source: JLARC staff compilation of data reported by 185 agencies.

## Exhibit H2: 178 agencies described how they obtain information on customer satisfaction

### Measures of requester satisfaction (*Metric 18*)

178 agencies described their measures of satisfaction and methods of collecting this data.

Some agencies measured customer satisfaction on the basis that no court claims were filed, while others based satisfaction on receipt of formal complaints.

[Click here](#) to view interactive dashboard.

[Metric definition](#)

Source: JLARC staff compilation of data reported by 178 agencies.

# MORE

## Methodology

JLARC contracted with Sightline, LLC, a management consulting firm, to assist with fulfilling responsibilities under [ESHB 1594 Section 6 \(5\)](#). JLARC 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 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 the stakeholder participants for their involvement and assistance.

- The advisory group included representatives from:
  - 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

A [guidance document](#) was released in November 2017. This document defines the statutory metrics and identities data points needed for each metric. This document is updated periodically to provide additional clarification.

Following the release of the guidance document, a [Frequently Asked Questions \(FAQ\)](#) document was released in December 2017. This document was updated periodically to respond to new questions related to the performance metrics and reporting process.

Data was collected through an online data collection system developed by JLARC staff, consultants, and legislative IT staff (LEG-TECH). The system opened for data collection on May 2, 2018 and closed on July 1, 2018. The reporting period was extended to allow additional agencies to report and was closed again on July 27, 2018.

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