BRIEFING REPORT:
2020 Public Records Reporting
January 2022

Executive Summary

Statute requires agencies to report data about public records activities

The 2017 Legislature passed RCW 40.14.026, requiring state, local, and other government agencies subject to the Public Records Act to report information about their public records activities. Agencies that spent $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 may report data voluntarily. Each agency is responsible for determining if they met the $100,000 expenditure threshold.

See Section 1 for more detail about the reporting process.

JLARC staff collect and report agency data

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.

232
Submitted data

663
Below threshold and did not submit data

1,545
No response
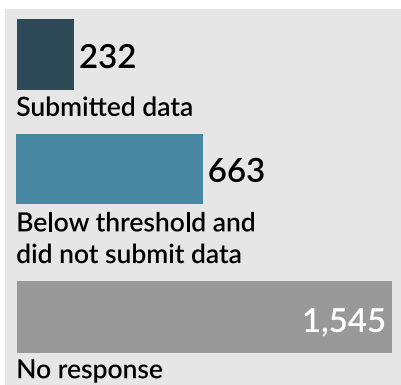
JLARC staff identified 2,440 Washington agencies subject to the Public Records Act in 2020. It is unknown how many of these agencies met the $100,000 expenditure threshold.

232 agencies submitted data about their 2020 public records activities

A total of 895 agencies (37% of the 2,440 agencies) provided information to JLARC staff. Of these, 232 reported performance metric data and 663 indicated that they were below the $100,000 expenditure threshold and did not submit data.

Reporting rates vary by agency type. Many agencies that did not submit data may not meet the $100,000 expenditure threshold.

Between 71% to 92% of the state, local, and higher education agencies provided information to JLARC staff, with response rates varying by the type of agency. School districts and special districts had lower response rates. Agencies that submitted performance metric data or indicated that they did not meet the $100,000 expenditure threshold include:

- 92% of state agencies, boards, or commissions

- 85% of cities and towns

- 53% of county government agencies

- 71% of higher education institutions

- 31% of school districts/Education Service Districts (ESDs)

- 21% of special districts

- Both chambers of the Legislature (House of Representatives and Senate)

Agencies that did not report information to JLARC staff may not have met the $100,000 expenditure threshold and may not be required to submit data for the performance metrics. Of the 1,545 agencies that did not respond, JLARC staff found that 82% of them had annual operating expenditures of less than $10 million. If these agencies spent up to 1% of their operating budgets on responses to public records requests, they would be under the threshold and not required to submit data.

In 2020, 232 agencies reported receiving 336,008 public records requests

The 232 agencies that submitted data to JLARC staff received 336,008 public records requests between January 1, 2020 and December 31, 2020. Agencies reported:

- Closing 176,432 requests within five days.

- Averaging 17 days from request receipt to closure.

- Spending $87 million responding to requests.

This report presents 2020 data in interactive dashboards, with summaries and agency-level detail for each metric. For comparison purposes, the dashboards also show data from 2018 and 2019.

REPORTING PROCESS
1. Agencies must report public records data

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

Statute requires agencies to report data on their public records practices

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 the Joint Legislative Audit and Review Committee (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 an 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 fourth year of reporting to JLARC

Public records data submissions are an ongoing requirement. To date, agencies have submitted data for four reporting periods:

- July 23, 2017 - December 31, 2017
- January 1, 2018 - December 31, 2018
- January 1, 2019 - December 31, 2019
- January 1, 2020 - December 31, 2020

This report highlights data reported for 2020 activities and provides 2018 and 2019 data for comparison. Data from the first reporting period in 2017 is not included in this comparison, since it reflected only a partial year of activity.

2. Reporting rates vary by agency type

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

232 agencies submitted 2020 data and another 663 indicated they were not required to report

There is no comprehensive list of public agencies subject to the Public Records Act. JLARC staff identified 2,440 public agencies in 2020 using information from the Municipal Research and Services Center, the State Auditor's Office, and the Office of the Code Reviser. Compared to 2019, this includes an additional 31 special districts and the legislative chambers (House of Representatives and Senate) that reported for 2020.

Agencies reported 2020 data through JLARC's online reporting system between May 2021 and August 2021. Agencies were originally required to submit data by July 2021, but the deadline

was extended to August to improve reporting compliance. JLARC staff also asked agencies to report whether they met the $100,000 expenditure threshold.

Exhibit 2.1: For 2020, 895 agencies (37%) submitted data or indicated that they did not meet the $100,000 expenditure threshold

232	663	1,545
Submitted data	Below threshold and did not submit data	No response

Source: Information reported by public agencies.

Note: "Submitted data" includes all agencies that provided data to JLARC staff. This includes both agencies that indicated they met the $100,000 threshold and agencies that were below the threshold but reported voluntarily.
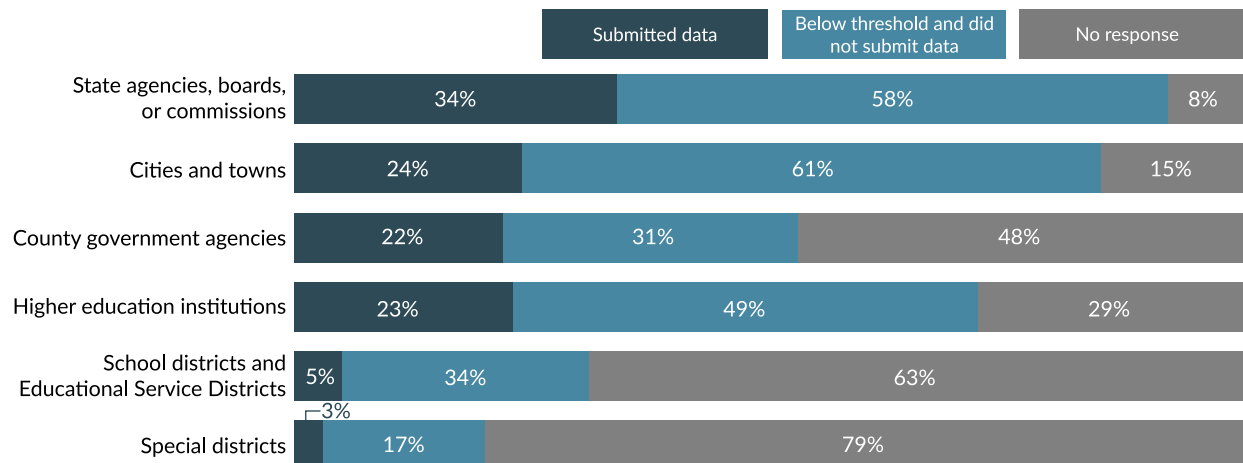
Reporting rates vary by the type of agency

2020 response rates were highest for the Legislature, state agencies, and cities and towns. Reporting rates varied from 100% (Legislature) to 21% (special districts).

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

- **Submitted data:** Agencies that reported data for the performance metrics. Some agencies were required to do so because they met or exceeded the $100,000 expenditure threshold. 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 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.

Exhibit 2.2: 2020 response rates were highest for state agencies, and for cities and towns

	Submitted data	Below threshold and did not submit data	No response
State agencies, boards, or commissions	34%	58%	8%
Cities and towns	24%	61%	15%
County government agencies	22%	31%	48%
Higher education institutions	23%	49%	29%
School districts and Educational Service Districts	5%	34%	63%
Special districts	3%	17%	79%

Source: Data reported by public agencies between 5/21 and 8/21 via JLARC's online reporting system.

No response from 1,545 agencies

Of the 2,440 agencies identified in 2020, 1,545 (63%) 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 likely that a large portion of these districts did not meet the $100,000 expenditure threshold for required reporting. For example, JLARC staff found that 82% of these agencies (1,176) had annual operating expenditures of less than $10 million. If these agencies spent up to 1% of their operating budgets on responses to public records requests, they would be under the threshold and not required to submit data. Click the button below for more detail about agencies that did not respond to JLARC staff.

> VIEW INTERACTIVE DASHBOARD   ›

Source: JLARC staff analysis.

2020 DATA
A. Overview of metrics and results

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

RCW 40.14.026 identifies public records performance metrics. JLARC staff annually compile reported data into interactive dashboards for each metric.

In calendar year 2020, 232 agencies reported receiving 336,008 public records requests. Agencies reported:

- Closing 176,432 requests within five days.

- Averaging 17 days from request receipt to closure.

- Spending $87 million responding to requests.

View 2020 data in interactive dashboards

Agencies report data annually using an online reporting system. Agencies are responsible for the accuracy of their data. Questions about an agency's data should be directed to that agency. JLARC staff do not independently verify the information submitted.

Data reported for 2020 is organized in interactive dashboards. 2018 and 2019 data is provided for comparison. To use the dashboards:

- Click on the buttons 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 2020 dataset in an Excel file here.

Exhibit A.1. Dashboards display data for 2020 performance metrics

Statutory metric	Metric definition	Link to dashboard
Requests open, received, and closed (Baseline data) *See Section B for more information.*	METRIC DEFINITION >	VIEW INTERACTIVE DASHBOARD >
Metric 1 - Number of requests where the records were provided within five days of receiving the request *See Section C for more information.*	METRIC DEFINITION >	VIEW INTERACTIVE DASHBOARD >
Metric 2 - Number of requests where an estimated response time beyond five days was provided *See Section C for more information.*	METRIC DEFINITION >	VIEW INTERACTIVE DASHBOARD >
Metric 3 - Average and median number of days from receipt of request to the date the request is closed *See Section C for more information.*	METRIC DEFINITION >	VIEW INTERACTIVE DASHBOARD >
Metric 4 - Total number of public records requests for which the agency formally sought additional clarification from the requester *See Section D for more information.*	METRIC DEFINITION >	VIEW INTERACTIVE DASHBOARD >
Metric 5 - Total number of requests denied in full or in part and the most common reasons for denying requests	METRIC DEFINITION >	VIEW INTERACTIVE DASHBOARD >

Statutory metric	Metric definition	Link to dashboard
Metric 6 - Total number of requests abandoned by requesters *See Section D for more information.*	METRIC DEFINITION >	VIEW INTERACTIVE DASHBOARD >
Metric 7 - Total number of requests, by type of requester *See Section B for more information.*	METRIC DEFINITION >	VIEW INTERACTIVE DASHBOARD >
Metric 8 - Percent of requests fulfilled electronically compared to the percent of requests fulfilled by physical records *See Section E for more information.*	METRIC DEFINITION >	VIEW INTERACTIVE DASHBOARD >
Metric 9 - Total number of requests where one or more physical records were scanned to create an electronic version to fulfill disclosure *SeeSection E for more information.*	METRIC DEFINITION >	VIEW INTERACTIVE DASHBOARD >
Metric 10 - Average estimated staff time spent on each public records request *See Section F for more information.*	METRIC DEFINITION >	VIEW INTERACTIVE DASHBOARD >
Metric 11 - Estimated total costs incurred by the agency in fulfilling records requests *See Section F for more information.*	METRIC DEFINITION >	VIEW INTERACTIVE DASHBOARD >
Metric 12 - Total number of claims filed alleging a statutory violation	METRIC DEFINITION >	VIEW INTERACTIVE DASHBOARD >

Statutory metric		
Metric 13 - Total costs incurred by the agency litigating claims alleging a statutory violation *See Section G for more information.*	METRIC DEFINITION >	VIEW INTERACTIVE DASHBOARD >
Metric 14 - Estimated costs incurred by the agency with managing and retaining records *See Section F for more information.*	METRIC DEFINITION >	VIEW INTERACTIVE DASHBOARD >
Metric 15 - Total expenses recovered by the agency from requesters for fulfilling public records requests *See Section F for more information.*	METRIC DEFINITION >	VIEW INTERACTIVE DASHBOARD >

B. Requests received and closed

Agencies reported receiving 336,008 records requests from individuals, organizations, other entities, and law firms

A total of 232 agencies reported data to JLARC staff during the 2020 reporting period[1]. These agencies received 336,008 records requests.

Exhibit B1: Agencies received an average of 1,448 public records requests in 2020, ranging from zero to 38,838 per agency

Requests open, received, and closed *(Baseline data)*
Baseline data includes: • 21,773 public records requests open at the start of the reporting period. • 336,008 public records requests received during the reporting period. • 322,673 public records requests closed during the reporting period. South Sound 911 reported the largest number of records requests, at 38,838 requests.

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[1] January 1, 2020 to December 31, 2020

On average, agencies received 1,448 requests in 2020.

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METRIC DEFINITION >

Source: JLARC staff compilation of data reported by 232 agencies.

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

Total number of requests, by type of requester *(Metric 7)*

This data includes information about entities that make public records requests.

Agencies do not solicit this information from requesters. Requester type is reported only when it was known by the agency.

- In 2020, the most common types of requesters were individuals, other entities, law firms, governments, and organizations.
- Anonymous entities made 13,889 requests.
- Current or former employees made 2,551 requests.

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METRIC DEFINITION >

Source: JLARC staff compilation of data reported by 232 agencies.

C. Response time

Average time to close requests was 17 days

The metrics on this page relate to the amount of time agencies spent responding to public records requests in 2020.

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.
- 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 176,432 requests within five days

Number of requests where the records were provided within five days of receiving the request *(Metric 1)*
State law requires agencies to respond to public records requests within five days. • Collectively, cities and towns closed the most requests within five days, at 75,255 requests. • The Legislature closed the fewest requests within five days, at 96 requests (out of 307 total requests received). • South Sound 911 closed the most requests within five days of any single agency, at 10,473 requests. VIEW INTERACTIVE DASHBOARD > METRIC DEFINITION >

Source: JLARC staff compilation of data reported by 232 agencies.

Exhibit C2: Agencies estimated it would take more than five days to respond for 161,569 records requests

Number of requests where an estimated response time beyond five days was provided *(Metric 2)*
• State agencies, commissions, and boards provided the most estimates, at 51,696 requests. • Legislature provided the fewest estimates, at 209 requests (out of 307 total requests received). • South Sound 911 provided the most estimates, at 48,070 requests.

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> METRIC DEFINITION >

Source: JLARC staff compilation of data reported by 232 agencies.

Exhibit C3: Agencies closed records requests in an average of 17 days. The median time to close was five days.

Average and median number of days from receipt of request to the date the request is closed *(Metric 3)*

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

- Statewide, the average number of days to final disposition was 17 days.
- Statewide, the median number of days to final disposition was five days.
- Cities and towns reported the shortest response time, with an average of eight days and a median of three days to final disposition.
- Higher education institutions reported the longest response time, with an average of 46 days and a median of 16 days to final disposition.

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> METRIC DEFINITION >

Source: JLARC staff compilation of data reported by 232 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: 21,411 requests (6%) required clarification

Total number of public records requests for which the agency formally sought additional clarification from the requester *(Metric 4)*

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 is counted once.

- Statewide, 21,411 requests required clarification.

- 7,518 (6%) requests to cities and towns required clarification.

- 220 (11%) requests to higher education institutions required clarification.

- 25 requests (8%) to Legislature required clarification.

- South Sound 911 reported the most requests required clarification, at 1,633 (4%) requests.

- 23 agencies reported that no requests required clarification.

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Source: JLARC staff compilation of data reported by 232 agencies.

Exhibit D2: 6,906 requests (2%) were fully denied, and 86,719 (26%) were partially denied or redacted

Total number of requests denied in full or in part and the most common reasons for denying requests *(Metric 5)*

Fully denied requests

- 6,906 (2%) requests were fully denied.

- Local governments accounted for 38% of the fully denied requests.

- South Sound 911 reported the most requests fully denied, at 689 requests (9% of the fully denied requests).

- 99 agencies reported that no requests were fully denied.

Partially denied requests

- 86,719 (26%) requests were partially denied.

- Cities and towns accounted for 36% of partially denied requests.

- South Sound 911 reported the most requests partially denied, at 10,610 requests (12% of partially denied requests).

- 50 agencies reported that no requests were partially denied.

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Source: JLARC staff compilation of data reported by 232 agencies.

Exhibit D3: Requesters abandoned 16,575 requests (5%)

Total number of requests abandoned by requesters *(Metric 6)*

- 16,575 (5%) requests were abandoned by requesters.

- Seattle reported the largest number of abandoned requests, at 4,281 (26%) requests.

- 50 agencies reported that no requests were abandoned by requesters.

- 43% of abandoned requests were made to cities and towns.

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Source: JLARC staff compilation of data reported by 232 agencies.

E. Response format

Most 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: 246,174 requests (77%) were fulfilled electronically

Percent of requests fulfilled electronically compared to the percent of requests fulfilled by physical records *(Metric 8)*
• 246,174 (77%) requests were fulfilled with only electronic records.   • 15,079 (5%) requests were fulfilled with only physical records.   • 3,781 (1%) requests were fulfilled with a combination of physical and electronic records.   • 58,333 (18%) requests were closed because the agency did not have responsive records.   VIEW INTERACTIVE DASHBOARD >   METRIC DEFINITION >

Source: JLARC staff compilation of data reported by 232 agencies.

Exhibit E2: 48,180 requests (15%) required agencies to scan physical records

Total number of requests where one or more physical records were scanned to create an electronic version to fulfill disclosure *(Metric 9)*
• 48,180 (15%) requests required agencies to scan physical records.   • Washington State Patrol reported the most requests requiring scanning, at 10,398 requests.   • 40 agencies reported that no requests required scanning.   • On average, each agency received 216 requests that required scanning of physical records.   VIEW INTERACTIVE DASHBOARD >   METRIC DEFINITION >

Source: JLARC staff compilation of data reported by 232 agencies.

F. Time and cost

Agencies estimate spending more than 1.2 million hours and $85 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[22].

Time and cost estimates reflect estimates for the 232 agencies that reported performance metric data. Estimates do not include costs for the 663 agencies that indicated they were below the $100,000 expenditure threshold, nor the 1,545 agencies that did not provide information.

Time and cost estimates reflect activities between January 1, 2020 and December 31, 2020.

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 estimating the time and cost of responding to public records requests

Agencies have different internal processes for estimating 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 level a corresponding amount of time spent. Others work with staff to gather actual time spent.

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

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[2] RCW 40.14.026

Exhibit F1: Agencies spent 1.2 million staff hours responding to public records requests

Average estimated staff time spent on each public records request *(Metric 10)*
Averages may not always reflect a typical records request. • Agencies spent an average of 5,268 hours responding to records requests. • The statewide average is 3.45 hours per request. • Seattle reported the most estimated staff hours, at 105,758 hours. • Four agencies reported an estimated one staff hour spent responding to requests. • Higher education institutions reported the most staff time spent per request, with an average of 15.05 hours per request. Special districts reported the least time spent, with an average of 1.58 hours per request. VIEW INTERACTIVE DASHBOARD ❯ METRIC DEFINITION ❯

Source: JLARC staff compilation of data reported by 232 agencies.

Exhibit F2: Agencies spent $87 million fulfilling records requests

Estimated total costs incurred by the agency in fulfilling records requests *(Metric 11)*
• The total estimated cost to agencies in 2020 was $87 million. • The average cost per agency was $376,513. • The average cost per request was $243. • King County - Clerk reported the largest total estimated cost, at $7,056,162. • Five agencies reported no estimated costs. VIEW INTERACTIVE DASHBOARD ❯ METRIC DEFINITION ❯

Source: JLARC staff compilation of data reported by 232 agencies.

Exhibit F3: Agencies spent $194.5 million managing and retaining public records

Estimated costs incurred by the agency with managing and retaining records *(Metric 14)*
- The average cost per agency was $838,408   - Health Care Authority reported the highest costs, at $36,880,380.   - Twenty three agencies reported no estimated costs.   VIEW INTERACTIVE DASHBOARD > METRIC DEFINITION >

Source: JLARC staff compilation of data reported by 232 agencies.

Exhibit F4: Agencies reported $225,940 in total recovered expenses associated with responding to records requests

Total expenses recovered by the agency from requesters for fulfilling public records requests *(Metric 15)*
Agencies may collect fees or payment from requesters to cover expenses incurred in responding to a records request.   - State agencies, boards, or commissions reported the most expenses recovered, at $68,643 (30% of total costs recovered).   - On average, each agency recovered $1,738, or about $0.67 per request.   - The Department of Ecology reported the most expenses recovered, at $51,314.   - Four agencies reported that they recovered less than $200.   VIEW INTERACTIVE DASHBOARD > METRIC DEFINITION >

Source: JLARC staff compilation of data reported by 232 agencies.

G. Court claims

Agencies spent $4.8 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 102 court claims filed in 2020 alleging that an agency violated Chapter 42.56 RCW. Agencies reported spending $4.8 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: One hundred and two court claims were filed against agencies alleging a statutory violation

Total number of claims filed alleging a statutory violation *(Metric 12)*
37 (37%) court claims were filed against cities and towns.   - The Department of Corrections accounted for 16 (16%) of the total court claims filed.   188 agencies reported no court claims filed against them during the reporting period.   VIEW INTERACTIVE DASHBOARD >   METRIC DEFINITION >

Source: JLARC staff compilation of data reported by 232 agencies.

Exhibit G2: Agencies spent $4.8 million on litigation for court claims alleging a statutory violation

Total costs incurred by the agency litigating claims alleging a statutory violation *(Metric 13)*

- Cities and towns reported the highest litigation costs, at $1,982,625 (41% of statewide total).
- The Legislature reported lowest litigation costs, at $33,316 (0.69% of statewide total).
- Mount Vernon reported the highest litigation costs for a single agency, at $955,188.
- 172 agencies reported that they had no litigation costs.

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METRIC DEFINITION >

Source: JLARC staff compilation of data reported by 232 agencies.

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