

**Comments on CR-102 – WSR 17-17-157
(Proposed Rulemaking - 2017)
– Chapter 44-14 WAC
Model Rules**

**Received
September 1, 2017 –
September 22, 2017**

Krier, Nancy (ATG)

From: Plummer David F. <pdf3@comcast.net>
Sent: Tuesday, September 5, 2017 11:50 AM
To: Krier, Nancy (ATG)
Subject: Sugested Changes to Public Records Act – Model Rules Chapter 44-14 WAC

Hello Ms. Kier!

I recommend that WAC 44-14 (perhaps in WAC 44-14-08004) be further amended/expanded to clarify more specifically how an individual (who may not be an attorney, or may not be able to afford to retain an attorney) may file a 'show-cause' petition to seek judicial review of an agency's refusal to provide a record. An alternative would be to provide more specific guidance in a publication like "Sunshine Laws 2016".

Regards,

David F. Plummer

14414 NE 14th Place
Bellevue, WA. 98007

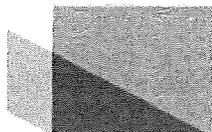
Krier, Nancy (ATG)

From: Cairns, Kelly (OIC)
Sent: Thursday, September 21, 2017 9:14 AM
To: Krier, Nancy (ATG)
Subject: RE: Proposed update to Public Records Act Model Rules

Hi Nancy,

One quick comment on the proposed rules. On page 26, subsection (7) of WAC 44-14-04003, I'd like to see the word "fully" removed from the title. The word is removed elsewhere in the subsection, so this may have been an oversight. It's nice for the model rules to support the practice of many agencies of providing an initial estimate of the time it will take to provide the first installment, recognizing that for large requests it is difficult to estimate a full response.

Thank you!



Kelly A. Cairns

Information Governance Manager
Washington State Office of the Insurance Commissioner

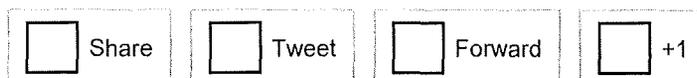
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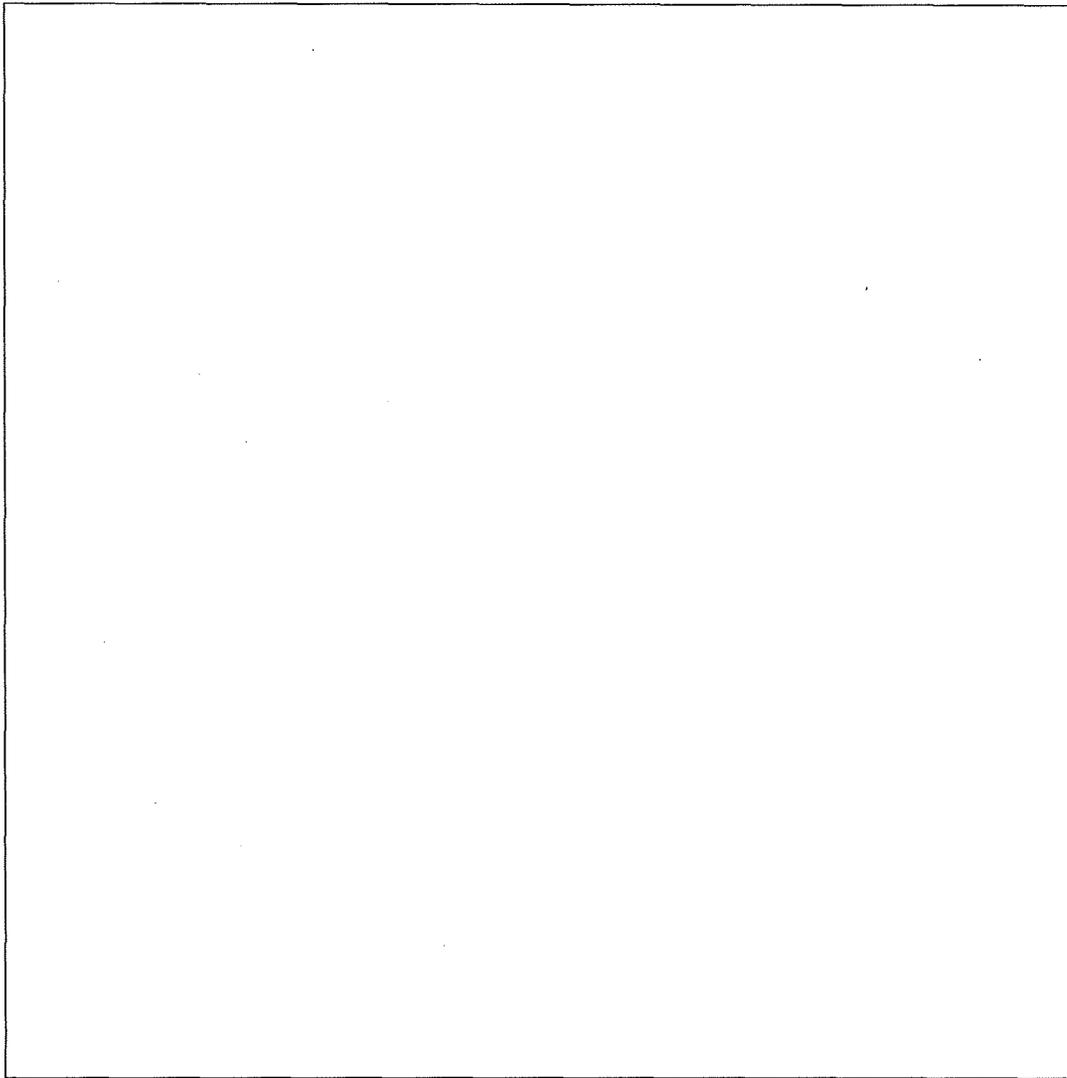
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From: Nancy Krier, Open Government Ombuds [<mailto:NancyK1=atg.wa.gov@mail133.suw16.rsgsv.net>] **On Behalf Of**
Nancy Krier, Open Government Ombuds
Sent: Wednesday, August 23, 2017 2:44 PM
To: Cairns, Kelly (OIC) <KellyC@oic.wa.gov>
Subject: Proposed update to Public Records Act Model Rules





Greetings.

The Office of the Attorney General is proposing amendments to chapter 44-14 of the Washington Administrative Code (WAC). That chapter is the Public Records Act (PRA) Model Rules. The proposed amendments are in the CR-102 Proposed Rulemaking form, [linked here](#). The CR-102 proposal will also be published in the *Washington State Register*.

The PRA is at chapter 42.56 RCW. The AGO adopted the advisory Model Rules and comments in 2006-2007 under the PRA at RCW 42.56.570(2) and (3), which provides:

(2) The attorney general, by February 1, 2006, shall adopt by rule an advisory model rule for state and local agencies, as defined in RCW 42.56.010, addressing the following subjects:

- (a) Providing fullest assistance to requestors;
 - (b) Fulfilling large requests in the most efficient manner;
 - (c) Fulfilling requests for electronic records; and
 - (d) Any other issues pertaining to public disclosure as determined by the attorney general.
- (3) The attorney general, in his or her discretion, may from time to time revise the model rule.

The advisory Model Rules (and their comments) provide information about the PRA and some suggested best practices. The AGO last revised the Model Rules in 2007. Since then, there have been a number of developments in statutes, case law and technology with respect to public agency records. In addition, in 2017 the State Legislature enacted RCW 42.56.570(4), providing that local public agencies should consult the Model Rules when establishing local PRA ordinances. RCW 42.56.152, another PRA statute enacted after 2007, provides that public records training must be consistent with the Model Rules.

Therefore, the proposed 2017 amendments address topics such as use of personal devices with respect to public records, electronic records, procedures to make requests, procedures to process requests, copying charges, other new PRA requirements, statutory citations, and other topics. For example, the proposed update:

- Confirms that the public is entitled to request public records stored on personal devices if those records concern agency business;
- Provides a model policy for handling requests with greater efficiency and transparency based off policies pioneered by the cities of Kirkland and Pasco; and
- Addresses relevant court rulings and changes to state law made by the Washington State Legislature.

The anticipated effect of the proposal is to modernize the Model Rules so they are a more functional resource for requestors, public agencies, the courts, the State Legislature and others who are navigating the PRA.

If you would like to comment on the proposed amendments to the Model Rules, see the information in the CR-102 and on the AGO Rulemaking Page under “AGO Public Record

Model Rules” [linked here](#). Advance written comments are due by September 29. The CR-102 also provides information on the October 4, 2017 hearing where the public can also provide comments.

Thank you for your interest in open government.

Nancy Krier

Assistant Attorney General for Open Government

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