



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do **NOT** use for expedited rule making

**Agency:** Office of the Attorney General

**Subject of possible rule making:** Public Records Act Model Rules, Chapter 44-14 WAC

**Statutes authorizing the agency to adopt rules on this subject:** RCW 42.56.570(2) and (3)

**Reasons why rules on this subject may be needed and what they might accomplish:**

The Public Records Act (PRA) at Chapter 42.56 RCW provides the public access to state and local government agency public records. The PRA directs the Attorney General's Office to adopt, and from time to time revise, PRA Model Rules. RCW 42.56.570(2) and (3). The PRA Model Rules are at Chapter 44-14 WAC. The purpose of the PRA Model Rules is to provide information to records requesters and state and local agencies about "best practices" for complying with the PRA. WAC 44-14-00001. The PRA Model Rules are advisory, but provide public agencies model language to consider in their regulations, ordinances or policies when implementing the PRA in their jurisdictions. The Model Rules are also a resource for records requesters, for the courts when deciding questions regarding the PRA, and for the State Legislature.

The Model Rules were last revised in 2007. Since 2007 many statutory, case law and technology developments have impacted the PRA. These changes have also impacted how agencies process records requests. Therefore, the Attorney General's Office is commencing the process to update the PRA Model Rules to reflect many of those changes, with an anticipated goal at this time of revising the rules by fall 2017.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

Only the Attorney General's Office is authorized by the Legislature to adopt PRA Model Rules. However, all state and local agencies may be interested in possible revisions to the PRA Model Rules. The PRA does not govern federal agencies. Notices to interested state agencies are described below.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

The Attorney General's Office will provide public and public agency notice of the anticipated rulemaking through the *Washington State Register*. The Attorney General's Office will provide notice and seek input through other means including posting information on the Attorney General's Office website at [www.atg.wa.gov](http://www.atg.wa.gov). The Attorney General's Office will also provide notice and seek input through email notices to: (1) persons who have requested notice of office rulemaking, (2) public agency associations, and (3) records requester organizations or their representatives.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)


Interested parties can contact or submit written comments to:

Nancy Krier, Assistant Attorney General for Open Government, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. Email: [nancyk1@atg.wa.gov](mailto:nancyk1@atg.wa.gov); Phone: (360) 586-7842

Interested parties can also use the email or mailing address above to request to be added to the stakeholder email list for notices regarding this anticipated rulemaking. Rulemaking information for interested parties will also be posted on the Attorney General's Office website at [www.atg.wa.gov](http://www.atg.wa.gov).

**DATE**  
November 7, 2016

**NAME (TYPE OR PRINT)**  
Bob Ferguson

**SIGNATURE**  


**TITLE**  
Washington State Attorney General

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STATE OF WASHINGTON  
FILED

**DATE: November 09, 2016**

**TIME: 9:29 AM**

**WSR 16-23-038**