

WASHINGTON STATE COURT OF APPEALS

Administrative Public Records Requests Policy and Procedures

I. **POLICY STATEMENT**

The Washington State Court of Appeals is committed to responding promptly to all administrative records requests. This shall be done in accordance with both the letter and the spirit of the General Rule 31.1 (GR 31.1- Access to Administrative Records) and case law related to the disclosure of administrative judicial records.

A. **Overview**

This policy sets forth the process by which the Court of Appeals will handle administrative records requests. Information for members of the public interested in filing a request for administrative records is contained in GR 31.1 and on the Internet at www.courts.wa.gov.

B. **Requesting Administrative Records and Staffing for Processing Administrative Records Requests**

All requests for administrative records shall be in writing, shall be directed to the Public Records Officer (PRO), and be from an identified individual or, if an entity, an identified entity representative. The PRO for Administrative Office of the Courts (AOC) is also designated the PRO for the Court of Appeals, and is responsible for processing all administrative record requests for the Court of Appeals. The PRO's back-up is the Data Dissemination Administrator, also with AOC. The PRO and the DDA may be contacted: (1) by telephone at (360) 705-5305; (2) by fax at (360) 956-5700; (3) by e-mail at PublicRecordsOfficer@courts.wa.gov or (4) by mail at 1112 Quince St. SE, PO Box 41170, Olympia, WA 98504-1170. The PRO and the DDA shall report to the AOC Manager of Public Records and Data Dissemination.

C. **Processing of Records Requests**

1. **Distribution of Requests and Preservation of Records**

The PRO will determine which employees may have records responsive to the request and email the text of the request, or a summary, to the appropriate staff, setting a time for response. Any records potentially responsive to the request cannot be destroyed pending the processing of the request, even if the records are subject to destruction under the Court's retention schedule.

2. Searching for Responsive Documents

If an employee is directly contacted by the PRO for records, the employee shall provide the PRO with a response that (1) states he or she has no responsive documents; (2) states he or she has responsive documents and provide them; (3) specifies a reasonable time within which he or she can search for the records and provide a more thorough response; or (4) describes how the request should be clarified. If the employee has responsive documents, he or she shall provide the records to the PRO, and, if an employee believes certain documents are exempt (or may be exempt) from public disclosure then the employee should provide a summary of why the documents are or may be exempt, with specific reference to the provision of GR 31.1, any other court rule (for example APR 1(d) which provides that attorney admission files are exempt from disclosure), state law, or federal law, that is the basis for the exemption. In the event it is difficult to produce copies of the responsive documents, either because of their size or format or because they are numerous, the employee should contact the PRO to determine whether there are options to producing copies. The PRO shall ensure that records of former staff members also are searched for requested information.

The staff shall assemble the individual responses and provide a consolidated response to PRO. If applicable, the PRO shall also ensure that records of former staff members were searched for the requested information.

3. Providing Response to the Requestor

The PRO shall respond to the requester within five business days after receiving the request by: (1) providing responsive documents along with a statement of why any documents (or portions of any document) are exempt from disclosure; (2) providing a date by which responsive documents will be provided; or (3) requesting clarification of the request. The PRO will make every effort to work with the requester to clarify the request and to provide responsive documents. Upon request, the PRO will provide a copy of any public records responses to the organizational unit that participated in providing documents, noting if a protective order precludes disclosure of any documents.

4. Protective Orders

If any employee becomes aware of a court order that limits the disclosure of any administrative records, he or she should communicate the substance of such order, and provide a copy of the order to the PRO. Likewise, if the PRO is aware of any court order requiring the disclosure, nondisclosure, or preservation of any administrative records the PRO will notify the staff in possession of the requested information.

5. Requests Received by Division Employees

On occasion a requestor may direct a request for identifiable documents to a specific employee, court, or judicial agency. In the event that an employee receives a public records request, the employee shall indicate to the requester that they are not the designated person to receive public records requests. Employees should direct requestors to submit their request to the designated PRO, provide the contact information for the PRO to the requester, and alert the PRO to expect a records request.

6. Electronic Records

The PRO will work with the requestor to determine the appropriate format for providing responsive records. If records are requested with metadata intact, the PRO will work with the appropriate Information Technology Department (IT) to provide records in native format to the extent possible. If the request is for records that can best be provided through customized access to electronic records, the PRO shall work with the necessary staff that have responsive documents to determine the appropriate means of response.

7. Tracking Public Records Requests

The PRO shall track public records requests and their related communications with requestors by logging all requests, responses, exemptions, and other communication regarding the requests.

II. RESPONSIBILITIES

- A.** The Court of Appeals will make every effort to comply with the letter and spirit of GR 31.1 and respond by the due date as provided by the PRO.
- B.** The PRO shall coordinate the overall public records process, work with requestors to clarify requests, forward requests to judicial officers, judicial staff, or judicial agency employees, provide timely

responses to requestors, and track all requests, exemptions, and responses.

- C.** Upon receipt of an administrative records request the PRO shall promptly contact Court of Appeals staff members who may either maintain or have possession of the requested records. Each staff member contacted must make a diligent search for responsive records in a timely manner, ensure that requested records are not destroyed pending any request, and timely provide responses to the PRO.
- D.** The Court of Appeals and/or the Judicial Agency's Information Services Division shall work with the PRO in responding to requests for electronic records and assist in providing customized access to electronic records where appropriate.

III. REVIEW OF PUBLIC RECORDS OFFICER'S DECISION

- A. Request for internal review**

Pursuant to section (d) (3) of GR 31.1, a record requester may petition for internal review of the PRO's response to the requester's public records request. Any petition must be filed within 90 days of the PRO's decision on the request for administrative records of the Court of Appeals.
- B. Conducting internal review**

The review shall be conducted by a judge of the Court of Appeals designated by the Presiding Chief Judge. Such review proceeding shall be informal and summary, and should be held within five working days.
- C. External review**

Upon exhaustion of remedies under section (d) (3) of GR 31.1, a record requester aggrieved by the Court of Appeals' response to the records request may seek additional external review pursuant to the provisions of GR 31.1(d)(4).

[Adopted by the Court of Appeals Executive Committee on 12-16-15.]