



Olympia Address:
106 Irv Newhouse Building
PO Box 40404
Olympia, WA 98504-0404
Phone: (360) 786-7606
FAX: (360) 786-7173
Toll-Free: 1-800-562-6000
E-mail: Mike.Padden@leg.wa.gov

Washington State Senate

Senator Mike Padden
4th Legislative District

Committees:
Law & Justice, Chair
Human Services & Corrections
Ways & Means

District Office:
11707 E. Sprague Ave., Suite 305
Spokane Valley, WA 99206
Phone: (509) 921-2460

April 26, 2017

NEW COPY WITH CORRECTED DATE

Attorney General Bob Ferguson
1125 Washington Street SE
Olympia, WA 98504-0100

Re: Public Records Request Response

Dear Attorney General Ferguson,

I am in receipt of the letter your office sent in response to my public records request. The letter stated: "I estimate that it will take twenty (20) business days to determine the location, nature, and amount of records that may be responsive to your request. If records are ready prior to that time, I will notify you. If this time assessment requires adjustment, I will also advise you of that." For the reasons outlined below, I do not believe your office's response is legally sufficient.

RCW 42.56.520 requires that responses to requests for public records shall be made promptly by agencies. Under that provision, within five business days of receiving a public record request and excluding other options that are not pertinent, an agency must respond by acknowledging that the agency has received the request and by "providing a reasonable estimate of the time the agency . . . will require to respond to the request." In this context, the reasonable estimate is the time necessary "for the records to be provided." Public Records Desk Book, Washington State Bar Association, 2006, s. 6.4(2)

Similarly, the guide and model rules for agencies on the Public Records Act provided on your office's website indicate that the estimate must be to "fully respond" to the request. See e.g. (Agency should "[a]cknowledge your request and give you a reasonable estimate of how long it will take to fully respond;" <http://www.atg.wa.gov/obtaining-records> [emphasis added]; (Agency rules should "[p]rovide a reasonable estimate of the time to fully respond. Unless it is providing

