

NEW SECTION

WAC 143-06-170 Calculations of action costs of producing copies of public records declared to be unduly burdensome—Adoption of statutory fee schedule.

(1) Consolidated Technology Services has deemed the actual calculation of costs to the agency for producing responsive records to a public records request is unduly burdensome, because:

- a) The office does not have the resources to conduct a study to determine all its actual copying costs;
- b) staff resources are insufficient to perform a study and to calculate such actual costs
- c) funds were not allocated for performing a study to calculate such actual costs and the agency lacks the necessary funds to perform a study and calculations;
- d) to conduct such a study would interfere with other essential agency functions
- e) through the 2017 legislative process, the public and requesters have commented on and been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120(2)(b) and (c), (3) and (4).

As such, Consolidated Technology Services shall charge for copies of records pursuant to the default fees in RCW 42.56.120(2)(b) and (c). Consolidated Technology Services will charge for customized services pursuant to 42.56.120(3). Under RCW 42.56.130, Consolidated Technology Services may charge other copy fees authorized by statutes outside of chapter 42.56 RCW. Consolidated Technology Services may enter into an alternative fee agreement with a requester under RCW 42.56.120(4).

(2) This fee schedule will be set forth on the Consolidated Technology Services Agency website and be updated with subsequent changes to RCW 42.56 or further Consolidated Technology rule-making.

(3) Consolidated Technology Services may include a customized service charge for certain public records requests. Requests that require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such customized access services are not used by the agency. The customized service charge may reimburse Consolidated Technology Services up to the actual cost of providing these services.

New Section

WAC 143-06-180 Fee Waivers

Requesters are required to pay for copies in advance of receiving records. Fee waivers are an exception and are available for some small requests under the following conditions.

(1) It is within the discretion of the public records officer to waive copying fees when: (a) all of the records responsive to an entire request are paper copies only and are twenty-five or fewer pages; or (b) all of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of 100 printed pages. If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requester will be charged in accordance with this rule.

(2) Fee waivers are not applicable to records provided in installments.

New Section

WAC 143-06-190- Requestor Fees and Deposits

Consolidated Technology Services shall require an advance deposit of ten percent of the estimated fees when the copying fees for an installment or an entire request, or customized service charge, exceeds twenty-five dollars.

All required fees must be paid in advance of release of the copies or an installment of copies, or in advance of when a deposit is required. Consolidated Technology Services will notify the requester of when payment is due.

Repealer

The following section of the Washington Administrative Code is repealed:

WAC 143-06-090 Copying.

Amendatory Section (Amending the WSR 00-01-028, § 143-06-160, filed 12/7/99, effective 1/7/00; Order 0005, § 143-06-160, filed 4/17/75.)

143-06-160 Records in possession of data processing service centers.

No public records of users of department services shall be made available for public inspection or copying by the department without the express written authorization of the user.

Requests for inspection or copying of public records of the user, held or maintained by the center, shall be referred to the user for determination as to the right of public access to such records, pursuant to chapter 42.17 56 RCW. (~~Costs incurred by the department in providing access to or copies of public records of the user pursuant to chapter 42.17 RCW shall be paid by the user.~~)