


Public Disclosure

Presented to the EAG
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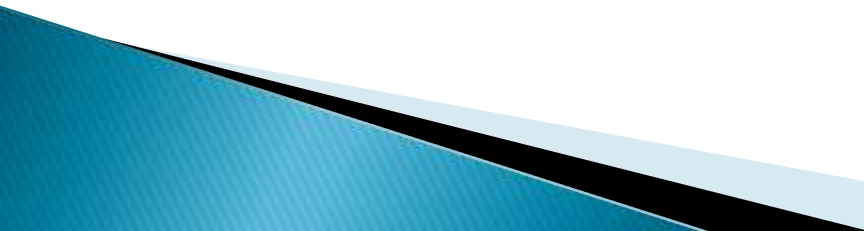
The Public Disclosure Act

- ▶ The Public Disclosure Act of 1972 (RCW 42.17) helps to ensure open government by guaranteeing the public's right to request and receive information generated by public officials and agencies.
 - ▶ The Washington PDA is modeled after the federal Freedom of Information Act, but it goes further to ensure open government.
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The Public Disclosure Act

- ▶ The Public Disclosure Act requires an agency to disclose any public record upon request unless there is a specific exemption from public disclosure in statute.


What is a public record?

- ▶ The PDA defines a public record so broadly that it includes any form of recorded information that:
 - ▶ (1) relates to the conduct of government or the performance of any government function and
 - ▶ (2) is "prepared, owned, used, or retained" by a state or local agency. Examples of public records include paper records, emails, files stored on your computer, photographs, tape recordings, and hand written notes.
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What is a public record?

- ▶ Public records also include
 - leave slips
 - travel vouchers
 - Routing slips & yellow stickies
 - Voice Mail (Transitory Records)
 - Written phone messages
 - Etc.

E-mail – A public record


- ▶ An email is a public record if the content of the email relates to the conduct of government or the performance of a government function. Email is a means of communication, and nothing more.
 - ▶ An e-mail sent to a colleague regarding a social function is a public record if it is sent or received on a state computer.
 - ▶ Many people think of email as if it were a telephone. For purposes of public record disclosure, however, it is not like a telephone. Some information is better communicated by telephone or by walking down the hall to talk with a colleague.
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What is a request

- ▶ A phone message asking for a specific document.
 - ▶ A written request (letter or e-mail) requesting a specific document(s).
 - ▶ If a community member requests a list of all employees that like cheddar cheese, this would still be considered a public disclosure request. However, because such a list does not exist, it does not need to be created to respond to the requestor. Therefore, this request would be denied.
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Responding to a Public Disclosure Request

It is important to respond in good faith to public records requests.

- ▶ You must respond to the requestor within 5 business days of receipt of the request.
 - ▶ The response may include a date when the request will be completed (if not possible in the 5 day period); and it may also ask the requestor for clarification.
 - ▶ All public disclosure requests must be logged and the log must be kept for 6 years.
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Exemptions

- ▶ Exemptions
 - There must be a specific reason in the law to withhold any public record.

The Front Page Test

- ▶ All of us create public records, no matter what work we do, and most public records must be disclosed upon request.
 - ▶ Be thoughtful and professional, and remember the "Seattle Times test": work as if your product may appear on the front page of the newspaper (because it might).
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