
SENATE BILL 6530

State of Washington

61st Legislature

2010 Regular Session

By Senator Roach

Read first time 01/15/10. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to increasing access to public records; amending
2 RCW 42.56.530; reenacting and amending RCW 42.56.550; and adding a new
3 section to chapter 42.56 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 42.56 RCW
6 to read as follows:

7 (1) The legislature finds that the more transparency in public
8 access to public records, the greater the accountability. To that end,
9 the legislature declares that all public records should be readily
10 accessible to the public.

11 (2)(a) Information that is not statutorily exempt from public
12 disclosure must be made available to public upon request.

13 (b) If public records are explicitly exempted from public
14 disclosure by statute and an agency is requested to provide a public
15 record, the agency shall redact the exempt information and otherwise
16 provide the document in proper context, showing redactions.

17 (3) This section may be known and cited as the light of day act.

1 **Sec. 2.** RCW 42.56.530 and 1992 c 139 s 10 are each amended to read
2 as follows:

3 Whenever ((~~a state~~)) an agency concludes that a public record is
4 exempt from disclosure and denies a person opportunity to inspect or
5 copy a public record for that reason, the agency shall inform the
6 person that he or she may request the attorney general to review the
7 matter. The attorney general shall provide the person with his or her
8 written opinion on whether the record is exempt.

9 Nothing in this section shall be deemed to establish an attorney-
10 client relationship between the attorney general and a person making a
11 request under this section.

12 **Sec. 3.** RCW 42.56.550 and 2005 c 483 s 5 and 2005 c 274 s 288 are
13 each reenacted and amended to read as follows:

14 (1) Upon the motion of any person having been denied an opportunity
15 to inspect or copy a public record by an agency, the superior court in
16 the county in which a record is maintained may require the responsible
17 agency to show cause why it has refused to allow inspection or copying
18 of a specific public record or class of records. The burden of proof
19 shall be on the agency to establish that refusal to permit public
20 inspection and copying is in accordance with a statute that exempts or
21 prohibits disclosure in whole or in part of specific information or
22 records.

23 (2) Upon the motion of any person who believes that an agency has
24 not made a reasonable estimate of the time that the agency requires to
25 respond to a public record request, the superior court in the county in
26 which a record is maintained may require the responsible agency to show
27 that the estimate it provided is reasonable. The burden of proof shall
28 be on the agency to show that the estimate it provided is reasonable.

29 (3) Judicial review of all agency actions taken or challenged under
30 RCW 42.56.030 through 42.56.520 shall be de novo. Courts shall take
31 into account the policy of this chapter that free and open examination
32 of public records is in the public interest, even though such
33 examination may cause inconvenience or embarrassment to public
34 officials or others. Courts may examine any record in camera in any
35 proceeding brought under this section. The court may conduct a hearing
36 based solely on affidavits.

1 (4) Any person who prevails against an agency in any action in the
2 courts seeking the right to inspect or copy any public record or the
3 right to receive a response to a public record request within a
4 reasonable amount of time shall be awarded all costs, including
5 reasonable attorneys' fees, incurred in connection with such legal
6 action. In addition, (~~it shall be within the discretion of~~) the
7 court (~~to~~) shall award such person (~~an amount not less than five~~
8 ~~dollars and not to exceed~~) one hundred dollars for each day that he or
9 she was denied the right to inspect or copy said public record.

10 (5) For actions under this section against counties, the venue
11 provisions of RCW 36.01.050 apply.

12 (6) Actions under this section must be filed within one year of the
13 agency's claim of exemption or the last production of a record on a
14 partial or installment basis.

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