



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY  
**DEPARTMENT WIDE**  
FACILITY/SPANISH MANUAL

REVISION DATE  
3/11/22

PAGE NUMBER  
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NUMBER  
**DOC 280.510**

**POLICY**

TITLE  
**PUBLIC DISCLOSURE OF RECORDS**

**REVIEW/REVISION HISTORY:**

- Effective: 3/1/83 DOC 150.000
- Revised: 4/15/85
- Revised: 10/1/85 DOC 280.510
- Revised: 3/15/96
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- Revised: 8/14/09
- Revised: 1/3/11
- Revised: 3/11/22

**SUMMARY OF REVISION/REVIEW:**


Major changes to include updated terminology throughout. Read carefully!

**APPROVED:**

Signature on file

\_\_\_\_\_  
**CHERYL STRANGE**, Secretary  
Department of Corrections

2/11/22  
\_\_\_\_\_  
Date Signed

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**REFERENCES:**

DOC 100.100 is hereby incorporated into this policy; [RCW 4.24.550](#); [RCW 10.97](#); [RCW 40.24](#), [RCW 42.52](#); [RCW 42.56](#); [RCW 70.02](#); [RCW 71.05](#); [RCW 71.09](#); [WAC 137-08](#); DOC 130.200 Lawsuit Processing/Liability Protection; DOC 590.500 Legal Access for Incarcerated Individuals; DOC 640.020 Health Records Management; [Collective Bargaining Agreements](#); [Governor's Executive Order 16-01](#); [Records Retention Schedule](#)

**POLICY:**

- I. The Department has a process to respond to requests for the disclosure of public records per RCW 42.56 Public Records Act and will ensure that the release of records is consistent with state and federal laws and regulations.
- II. This policy does not apply to discovery requests or requests for photocopies of documents already in an incarcerated individual's possession.
  - A. Requests by incarcerated individuals for copies of legal pleadings and exhibits being submitted to the court and opposing party regarding current conviction, conditions of confinement, and/or challenges to the sentence will be conducted per DOC 590.500 Legal Access for Incarcerated Individuals.
- III. The handling, maintenance, and privacy of public records will meet the requirements of RCW 10.97, RCW 42.56, WAC 137-08, and Governor's Executive Order 00-03.
  - A. Preservation of documents and electronic media will be conducted per DOC 130.200 Lawsuit Processing/Liability Protection and the Records Retention Schedule.

**DIRECTIVE:**

- I. Responsibility
  - A. The Public Records Unit will:
    1. Create and communicate Department wide procedures for processing public records requests.
    2. Train Department employees, contract staff, and volunteers.
    3. Provide consultation to Public Records Coordinators (PRCs) regarding public records request response and process issues.
    4. Maintain a current list of PRCs and their backups for each division.



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5. Coordinate with the Office of the Attorney General for public record issues, as needed.
  6. Implement legislation and case law that directly affects the Department public records disclosure process.
  7. Implement and record statewide public records statistics and report statistics to extended leadership and others as required.
- B. PRCs will be designated by the:
1. Superintendent for each Prison,
  2. Regional Administrator for each region, and
  3. Appropriate Assistant Secretary for each division.
- C. The PRCs will:
1. Identify and gather records within their assigned area of responsibility.
  2. Attend training provided by the Public Records Unit and train appropriate employees, contract staff, and volunteers in their local facility/section, as needed.
  3. Track and report required data fields in the Department’s public record tracking system for their area of responsibility.
  4. Follow up with anyone who has not responded to an assigned request(s) for records and inform the Public Records Unit if there is someone else who might have responsive records or other locations that should be searched to ensure complete response.
  5. Provide the Public Records Unit with all records regarding the search and gathering of records from their area of responsibility.
- D. All employees and contract staff will:
1. Search records within their area of responsibility upon request of the Public Records Unit or the PRC.
    - a. An adequate search must be conducted to locate all responsive records.
    - b. Employees/contract staff may be required to attest and verify by affidavit that they have conducted a search for responsive records.



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2. Submit responses per deadlines established by the Public Records Unit or PRC.
  3. Track and document time spent searching for and/or providing responsive records any time a search for records is conducted.
    - a. Documentation will be completed in the public record tracking system or by completing DOC 01-002 Public Records Search and submitting it to the PRC or Public Records Unit
  4. Retain records provided to the Public Records Unit and/or PRC per the Record Retention Schedule.
- E. Failure or refusal to perform assigned responsibilities may result in disciplinary action, up to and including termination.

II. Public Records Requests

- A. Public records requests, other than requests from incarcerated individuals to inspect their central file or health record, must be submitted in writing to the Department of Corrections Public Records Unit at P.O. Box 41118, Olympia, WA 98504, or by using the Department's online records portal. The written request must include the:
  1. Requestor's name and contact information,
  2. Date of the request, and
  3. Records requested.
- B. Incarcerated individuals may request to inspect their own central file by completing and submitting DOC 05-066 Public Records Request to the facility/local Records Unit.
  1. Incarcerated individuals may submit a request to examine or obtain a copy of information in their health record per DOC 640.020 Health Records Management and is not considered a public records request.
- C. Department employees/contract staff must use personal time and resources to request public records. Use of state time and/or resources may result in disciplinary action.

III. Initial Response to Requests


- A. Within 5 business days of the Department's receipt of a request, the assigned employee will respond to the requestor in writing by:

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1. Producing the requested records to the requestor,
  2. Providing a website hyperlink to the requested records,
  3. Acknowledging receipt of the request and providing a reasonable estimate of when records may be made available, or
    - a. Additional time may be needed for the Department to respond to a request, based on the need to:
      - 1) Clarify any portion of the request while continuing to respond to any portion of the request that is clear,
      - 2) Locate and assemble the requested records,
      - 3) Notify the persons affected by the request,
      - 4) Determine whether any of the responsive records or information contained in the responsive records are exempt from disclosure, or
      - 5) Other Department public records workload.
  4. Denying the request, which must include:
    - a. For pages withheld in their entirety, the page numbers within the responsive records where content was withheld.
    - b. Citation of the statute(s) that allows redaction or withholding of the record, in whole or in part, and
      - 1) For content that is redacted, the black redaction boxes will indicate which exemption was cited.
      - 2) All redactions and withholding will correspond with linking (i.e., language that explains how the exemption applies) and statutory language on DOC 01-008 Agency Denial/Exemption Log.
    - c. How the exemption applies to the information withheld.
- B. The Department is not required to create records in response to a public records request.

#### IV. Fees

- A. The Department does not charge a fee for inspecting or locating public records.

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1. Except requests by incarcerated individuals to inspect their own central file, the opportunity to inspect is only available at Department Headquarters consistent with WAC 137-08-120.
- B. The assigned employee will notify the requestor of any costs associated with copying and mailing records in paper and electronic format that can be charged to the requestor per RCW 42.56.070.
- C. Responsive records may be provided in installments per RCW 42.56.120(4). Each installment must be paid for or inspected prior to processing the next installment of records.
- D. Payment will be requested in the form of a check or money order and must be received before copies are sent.
  1. Incarcerated individuals may submit DOC 06-075 Request to Transfer Funds to the local facility business office to pay for a public records request.
  2. The sender's name and address must be present and legible on the check or money order.
    - a. Checks or money orders sent on behalf of an incarcerated individual's request must reference the:
      - 1) Individual's full name and DOC number, and
      - 2) Public records request tracking number.
  3. Any refunds will be made to the payor listed on the money order/check.
- E. The Department will administratively close a request if a requestor fails to pay for records within 30 days of the records being made available, or a 10 percent deposit when requested.
- V. Providing Records
  - A. All public records copies and correspondence will be sent through the United States Postal Service, unless the requestor:
    1. Is incarcerated and:
      - a. Designates a non-incarcerated third party to receive the records, or
      - b. Signs for and picks up the individual's own health records at the facility in which the individual is currently housed.

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2. Is not incarcerated and:

- a. Copies are available and provided at the time of inspection,
- b. Records are provided electronically, or
- c. The requestor picks up the records in person.

B. Responses may be provided in electronic format at the Department's discretion if electronic release is possible and prudent given available Department resources.

1. If a file is too large to email to the requestor, it cannot be split into multiple documents or emails to surpass the file size limit.

C. Multiple copies of responsive records are not provided in response to a public records request. If multiple copies are requested, it will be treated as a new public records request.

## VI. Documentation


A. Documentation of each public records request will be maintained per the Records Retention Schedule, and will include copies of:

1. The original request and all correspondence between the requestor and anyone in the Department,
  - a. Any supporting documents indicating who was contacted and the response received.
2. Records provided in their original format,
3. Any records redacted or withheld, including the related denial/exemption log, and
4. Any supporting documents indicating who was contacted and the response received.

## VII. Notification

A. Per RCW 42.56.540, the Department may notify affected persons that their name appears in, or is the subject of, a record(s) responsive to a public records request and they may seek an injunction to stop the release of some or all identified records.

1. Notification will be made when required by law, contract, or the applicable Collective Bargaining Agreement.

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2. Notification should provide adequate time to seek a protective order per RCW 42.56.540 and should not delay the processing of the request.

#### VIII. Appeal Process

- A. If the requestor disagrees with how a request is processed, the requestor may appeal to the Department Appeals Officer for review. The appeal will be reviewed and affirmed, or the handling of the request will be reversed with a communication regarding the decision sent to the assigned employee and the requestor.
- B. Appeals will not be considered if submitted 12 months or more after the Department's last response or production of records.

#### DEFINITIONS:

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

#### ATTACHMENTS:

None

#### DOC FORMS:

DOC 01-002 Public Records Search  
 DOC 01-008 Agency Denial/Exemption Log  
 DOC 05-066 Public Records Request  
 DOC 06-075 Request to Transfer Funds