

17 November 2025

RE: Proposed Public Records Act Model Rules for 2025

Dear Washington State Attorney General's Office;

Below are Joe Kunzler's written comments on the rulemaking – and what's omitted.

First, I want to say that I support *enthusiastically* the following:

- Insisting that public agencies are prompt in responding to public records requests as per “The most timely possible action on requests”. THANK YOU.. As the Washington Coalition for Open Government explained in their comments, “Reporting agencies recorded a nearly 60% increase in wait times for records requests between 2019 and 2024, according to data from the Joint Legislative Audit and Review Committee. The news media’s request for rulemaking says “reporters have been receiving outrageously long time estimates for satisfying simple records requests,” which comports with what WashCOG has learned is the experience of too many non-news media requesters as well. The voters said release of records should be “prompt.” The Model Rules should say that, too.”
- I agree, public records on personal devices need to be transferred to public agency devices promptly.

Second, I have concerns about omitting these subjects:

- Requiring paper checks for less than \$5 in a 366-day (leap year) of public records request fees. Collecting public records fees should be done electronically when possible, most Washingtonians rarely use paper checks.
- Stopping auto deletion without *at the very least* programming by a public records professional and preferably stopping all auto-deletion of public records. This matter is before the courts and has been brought up by the Public Records Officer Podcast – give it a listen please.
- Not covering how to address MS Teams & Slack & other such software. The public records need to be preserved, period.
- Speaking of which and quoting from Episode 12 of the Public Records Officer Podcast, “The Attorney General needs to mandate a dutiful search standard. We've learned often through litigation that many agencies are still not searching all communications platforms unless they are explicitly asked to.” Also, “a clear statement that an agency must search all platforms that reasonably house responsive public records, regardless of whether the platform was explicitly named in the request.” I agree, both are needed.
- Clarify - as in give examples - of what kind of records production is simple vs. complex: Without clarity, this kind of discretion could be abused. For instance, if a citizen wants a public employee's resignation letter - is that a simple production when the public employee has to be notified and there is redaction required? Versus say a citizen wanting say 6 police incident reports naming a candidate for elected office that should be disclosed well before the election.
- Make sure the courts are covered in these model rules.
- Consider that if an agency has a dedicated public records officer or team, there is an index of public records created. Fast production is best.

Thanks for taking my thoughts. Wanted to keep this to one page as you've got insightful Washington Coalition for Open Government comments and more.

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