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RE: Formal Comment Regarding Proposed Changes to WAC 44-14 PRA Model Rules

Dear Office of the Attorney General,

I am writing to provide formal comment in opposition to certain proposed revisions to the Public Records Act (PRA) Model Rules, as set forth in WAC 44-14. While I support efforts to clarify and improve PRA processes, several proposed changes raise significant concerns about agencies' ability to manage requests efficiently, fairly, and in compliance with existing law.

1. WAC 44-14-040(1) — Defining requests as simple or complex

Labeling requests as “simple” or “complex” would cause confusion and inconsistent treatment between agencies and requestors. What one agency considers “simple,” another might see as “complex,” leading to uneven handling.

RCW 42.56 does not define or authorize these categories. It only requires agencies to make records “promptly available,” considering the “volume” and “complexity” of the request (RCW 42.56.080(2)). Creating formal classifications that affect timelines or priorities is not supported by the statute and could result in unfair differences between agencies. The proposal should be rejected to keep the process clear and consistent statewide.

2. WAC 44-14-040(3) — Use of “time is of the essence” by requestors

Allowing requestors to declare that “time is of the essence” could be misused. Many might use the phrase even when there is no real urgency, pressuring agencies to prioritize some requests over others. This would lead to uneven and unfair treatment of requestors.

RCW 42.56 does not mention or authorize requestors to set their own deadlines or claim priority based on personal need. The law requires agencies to respond promptly and reasonably based on the nature of the request—not based on who says their request is more urgent (RCW 42.56.080(2) and 42.56.100).

Since the “time is of the essence” concept is not part of RCW 42.56, it should not be included in the model rules.

3. WAC 44-14-040(6) — Notice based only on reasonable belief of exemption

The proposed rule says agencies should only give notice if they have a “reasonable belief” that records might be exempt from disclosure. This limits agency discretion too much.

Agencies should be able to give notice whenever it is in the best interest of the jurisdiction—even when no clear exemption exists. Notice may still be appropriate when records include sensitive or confidential information that is not immediately obvious.

RCW 42.56.540 allows agencies to notify anyone named in a record or directly connected to it that a request has been made. The law does not require agencies to first decide that an exemption applies.

The proposed change would restrict the discretion that RCW 42.56.540 provides and should be rejected. Agencies need flexibility to decide when notice is appropriate.

4. WAC 44-14-040(8) and (10) — “A timeframe is agreed upon”

The proposal to let agencies and requestors set an “agreed-upon timeframe” could cause confusion and disputes over when response deadlines start or end. This might delay records production, create backlogs, and allow requestors to push for specific deadlines that do not match agency capacity or resources.

Agencies should continue to follow the timelines set by RCW 42.56, which already require a prompt and reasonable response. Adding this new “agreed-upon timeframe” language could make the process less clear and harder to manage.

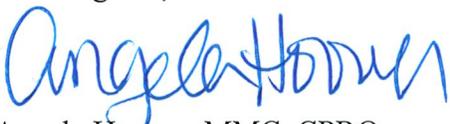
5. Support for WAC 44-14-040(12)

I support the proposed Section (12) because it helps clarify and strengthen current best practices for managing public records. This section promotes consistent, transparent, and efficient handling of requests across agencies.

In conclusion, I ask the Office of the Attorney General to reconsider the proposed changes. The current laws and model rules already provide clear guidance for timely and fair records responses. Adding new or unclear terms could cause confusion, increase workload, and lead to inconsistent results.

Thank you for the chance to comment and for your continued work to support open and transparent government in Washington State.

Best Regards,



Angela Hoover, MMC, CPRO
City Clerk/Public Records Officer