



# PROPOSED RULE MAKING

## CR-102 (June 2024) (Implements RCW 34.05.320) Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: October 01, 2025

TIME: 8:07 AM

WSR 25-20-108

Agency: Attorney General's Office

☒ Original Notice

☐ Supplemental Notice to WSR \_\_\_\_\_

☐ Continuance of WSR \_\_\_\_\_

☒ Preproposal Statement of Inquiry was filed as WSR 24-21-023 ; or

☐ Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or

☐ Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

☐ Proposal is exempt under RCW \_\_\_\_\_.

Title of rule and other identifying information: (describe subject) Public Records Act – Model Rules Chapter WAC 44-14

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 6, 2025	3 to 5 p.m.	John A. Cherberg Building, Rooms ABC, 304 15 <sup>th</sup> Avenue SW, Olympia, WA 98501	Oral and written comments will be accepted at the hearing.

Date of intended adoption: On or after November 6, 2025 (Note: This is NOT the effective date)

Submit written comments to:

Name Christina Beusch

Address P.O. Box 40100, Olympia, WA 98504

Email agorulemaking@atg.wa.gov

Fax 360-664-0228

Other

Beginning (date and time) October 3, 2025 at 8 a.m.

By (date and time) November 17, 2025 at 5 p.m.

Assistance for persons with disabilities:

Contact Elaine Ganga

Phone 360-280-5370

Fax 360-664-0228

TTY

Email elaine.ganga@atg.wa.gov

Other

By (date) November 4, 2025

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The Attorney General's Office has proposed amendments to several advisory Public Records Act (PRA) Model Rules (Model Rules) and a comment in chapter 44-14 WAC. The purpose of the proposal is to update the Model Rules and comments for WAC 44-14 030 to reflect the decision in *Cousins v. Dept. of Corrections*, 3 Wn.3d 19, 546 P.3d 415 (2024) on the content of notices sent by agencies to requesters when a request is closed, address concerns raised by the Media in its petition for rulemaking, clarify in WAC 44-14 030 that state and local agencies have different obligations relating to maintaining records indices, and include gender neutral language. The Media's petition for rulemaking can be found at [www.atg.wa.gov/rulemaking-activity](http://www.atg.wa.gov/rulemaking-activity). It generally requests that certain sections of the Model Rules be amended to clarify or emphasize an agency's obligation to respond to requests promptly and to process requests diligently as provided in the PRA. In response to that petition, the AGO is proposing, for example, amendments to: WAC 44-14-010 and 020 to emphasize promptness; WAC 44-14-030 to ensure public records are available to be produced; and WAC 44-14-040 on evaluating the complexity of a request and factors for considering estimate of time to respond to a request, use of third party notices, and exercising diligence in providing installments.

**Reasons supporting proposal:** The Public Records Act (PRA) at chapter 42.56 RCW provides the public access to state and local government agency public records. The PRA directs the Office of the Attorney General to adopt, and from time-to-time revise, advisory Model Rules. RCW 42.56.570(2) and (3). Under RCW 42.56.570(2), the Attorney General is required to adopt Model Rules addressing the following subjects: (a) Providing fullest assistance to requestors; (b) Fulfilling large requests in the most efficient manner; (c) Fulfilling requests for electronic records; and (d) Any other issues pertaining to public disclosure as determined by the Attorney General. RCW 42.56.570(4) provides that local agencies should consult the Model Rules when establishing local ordinances for compliance with the requirements and responsibilities under chapter 42.56 RCW. RCW 42.56.152 provides that records training must be consistent with the Model Rules. The Model Rules are at chapter 44-14 WAC. The purpose of the Model Rules and their comments is to provide information to records requestors and state and local agencies about "best practices" for complying with the PRA. WAC 44-14-00001. The Model Rules are

advisory, but they provide public agencies model language, and other information in comments, to consider when adopting their PRA regulations, ordinances or policies. While the Model Rules and comments are advisory only, they are a resource. Over time new caselaw and the experience of agencies and requesters bring to light areas of the Model Rules that can be updated or clarified to better reflect current law and provide improved guidance on compliance with the PRA.

**Statutory authority for adoption:** : RCW 42.56.570

**Statute being implemented:** : RCW 42.56.570; chapter 42.56 RCW

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

If yes, CITATION: While the rules are advisory, the court decision in *Cousins v. Dept. of Corrections*, 3 Wn.3d 19, 546 P.3d 415 (2024) has been issued since the Model Rules and their comments were originally adopted in 2006-2007. That decision provides specific guidance for the content of notices sent by agencies to requesters when a request is closed. The Model Rules should be amended to reflect this guidance so that agencies and the public have clarity about the closing of requests and the starting of the one-year statute of limitations for judicial review.

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None.

**Name of proponent:** (person or organization) Nick Brown, Washington State Attorney General

**Type of proponent:** ☐ Private. ☐ Public. ☒ Governmental.

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting	Christina Beusch	Olympia, WA	360-664-3801
Implementation	n/a		
Enforcement	n/a		

**Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?**

☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name  
Address  
Phone  
Fax  
TTY  
Email  
Other

**Is a cost-benefit analysis required under [RCW 34.05.328](#)?**

☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name  
Address  
Phone  
Fax  
TTY  
Email  
Other

☒ No: Please explain: A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 34.05.328 (5)(a)(i), this agency is not an agency mandated to comply with RCW 34.05.328. Further, the agency does not voluntarily make that section applicable to the adoption of this rule pursuant to subsection (5)(a)(ii), and to date, the joint administrative rules review committee has not made the section applicable to the adoption of this rule

**Regulatory Fairness Act and Small Business Economic Impact Statement**

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(3). Check all that apply:

☐ [RCW 34.05.310](#) (4)(b)  
(Internal government operations)

☐ [RCW 34.05.310](#) (4)(c)  
(Incorporation by reference)

☐ [RCW 34.05.310](#) (4)(d)  
(Correct or clarify language)

☐ [RCW 34.05.310](#) (4)(e)  
(Dictated by statute)

☐ [RCW 34.05.310](#) (4)(f)  
(Set or adjust fees)

☐ [RCW 34.05.310](#) (4)(g)  
(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(4). (Does not affect small businesses).

☒ This rule proposal, or portions of the proposal, is exempt under RCW 42.56.570; RCW 42.56.070; RCW 42.56.120.

Explanation of how the above exemption(s) applies to the proposed rule: The Model Rules are advisory only and apply only to governmental agencies, not small businesses. RCW 42.56.570. To the extent there are costs assessed by public agencies providing records in response to PRA requests by small businesses, the authorized costs are set out in statute and apply to all requestors. RCW 42.56.070; RCW 42.56.120.

**(2) Scope of exemptions:** *Check one.*

☒ The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.

☐ The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

☐ The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. \_\_\_\_\_

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name  
Address  
Phone  
Fax  
TTY  
Email  
Other

**Date:** October 1, 2025

**Name:** Nick Brown

**Title:** Washington State Attorney General

**Signature:**

