



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY  
**DEPARTMENT WIDE**  
OFFENDER MANUAL

REVISION DATE  
1/3/11

PAGE NUMBER  
1 of 8

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
- Revised: 3/30/01
- Revised: 6/20/01
- Revised: 2/14/06 AB 06-003
- Revised: 3/13/07
- Revised: 3/25/08 AB 08-006
- Reviewed: 9/24/08
- Revised: 8/14/09
- Revised: 1/3/11

**SUMMARY OF REVISION/REVIEW:**


- I.B.3.d. - Adjusted that the Assistant Secretary will designate a PDC for Health Services
- II.A. - Updated email address
- VI. - Appeals will not be considered if submitted 12 months or more after the Department's last response or production of records

**APPROVED:**

Signature on File

\_\_\_\_\_  
**ELDON VAIL**, Secretary  
Department of Corrections

11/24/10  
\_\_\_\_\_  
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](#); [Governor's Executive Order 00-03](#); [ACA 4-4098](#); [ACA 7D-08](#); [ACA 7D-11](#); [DOC 280.500 Records Management of Official Offender Files](#); [DOC 590.500 Legal Access for Offenders](#); [DOC 640.020 Offender Health Records Management](#); [DOC 800.005 Personnel Files](#); [FBI Order 556-73](#); Collective Bargaining Agreements

## POLICY:


- I. [7D-08] The Department has a process to respond to requests for the disclosure of public records per RCW 42.56 and ensure that the release of records is consistent with state and federal laws and regulations. This policy does not apply to discovery requests made in conjunction with litigation, subpoenas, or other legal pleadings, or offender requests for photocopies of documents already in their possession.
- II. 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.
- III. All public records will be made available for public inspection and copying unless the records are exempt under federal or state law, providing facilities for copying would unreasonably disrupt Department operations, or inspection would excessively interfere with essential Department functions. [7D-08]

## DIRECTIVE:

- I. Responsibility
  - A. The Public Disclosure Unit will:
    1. Create and communicate Department wide procedures for processing requests for public records,
    2. Train Department staff, as required,
    3. Coordinate with the Office of the Attorney General, as needed,
    4. Maintain a current list of Public Disclosure Coordinators (PDCs),
    5. Implement legislation and case law that directly affects the Department public disclosure process,
    6. Coordinate response to statewide impact and high profile public disclosure requests,

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7. Provide consultation to PDCs regarding public disclosure response and process issues, and
  8. Implement and record statewide public disclosure statistics and report statistics to the Department Executive Management Team.
- B. PDCs will be designated by the:
1. Superintendent for each Prison,
  2. Regional Administrator for each region, and
  3. Appropriate Assistant Secretary for:
    - a. Community Corrections Headquarters,
    - b. Prisons Headquarters,
    - c. Administrative Services,
    - d. Health Services, and
    - e. Government, Community Relations and Regulatory Compliance.
- C. The PDCs will:
1. Respond to public records requests as delegated by the Public Disclosure Unit,
  2. Identify and gather records within their assigned area of responsibility at the request of the Public Disclosure Unit in response to public records requests,
  3. Attend training provided by the Public Disclosure Unit and train appropriate staff in their local area, and
  4. Track and report the receipt and disposition of public records requests for their area of responsibility.
- D. All employees will:
1. Search records within their area of responsibility upon request of the Public Disclosure Unit or applicable PDC for records responsive to public records requests,
  2. Respond to requests timely per deadlines established by the Public Disclosure Unit or PDC,
  3. Track and report to the Public Disclosure Unit or PDC, as applicable, the staff time expended in searching and responding to requests for responsive records.

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E. Failure or refusal to perform assigned responsibilities may result in disciplinary action, up to and including termination.

## II. Public Records Requests

A. All public records requests, other than requests by incarcerated offenders for inspection of their central file or health record, must be submitted in writing to the Department of Corrections Public Records Office at P.O. Box 41118, Olympia, WA 98504, or via e-mail at [DOCPublicDisclosureUnit@doc.wa.gov](mailto:DOCPublicDisclosureUnit@doc.wa.gov). The written request should include the:

1. Requester's name and contact information,
2. Date the request was made, and
3. Records requested.

B. [4-4098] [7D-11] An offender may request to inspect his/her central file by completing and submitting DOC 05-066 Request for Disclosure of Records to the facility/local Records Unit.


C. Requests from an incarcerated offender to examine or obtain a copy of information in his/her health record will be handled per DOC 640.020 Offender Health Records Management.

D. Department employees who request documents through public disclosure must use personal time and resources to do so. Use of state time and/or resources to request documents through public disclosure may result in disciplinary action.


## III. Responding to Requests

A. Within 5 business days of the Department's receipt of a request, the delegated Department staff will respond to the requester in writing by:

1. Making the requested documentation available,
2. Acknowledging receipt of the request and providing a reasonable estimate of the time needed to respond,
  - a. Additional time may be needed for the Department to respond to a request, based on the need to:
    - 1) Clarify the request,
    - 2) Locate and assemble the requested records,
    - 3) Notify the persons affected by the request, or

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- 4) Determine whether any of the responsive records or information contained in the responsive records are exempt from disclosure.
3. Seeking clarification, or
  4. Denying the request.
    - a. The Department can only deny records or portions of records based on an applicable legal exemption, using the [Agency Denial Form/Exemption Log](#). All denial decisions must:
      - 1) Cite the statute(s) that allows redaction or withholding of the record, in whole or in part,
      - 2) State how the exemption applies to the information withheld, and
      - 3) Include the page numbers or location within the responsive records where content was redacted or withheld.
  - B. The Department is not required to create records in response to a public records request.
  - C. The delegated Department staff will notify the requester in writing of the copying and postage charges associated with the requested records.
    1. Costs associated with copying and mailing records in paper and electronic format can be charged to the requester per RCW 42.56.070.
      - a. Copying charges for paper records are \$0.20 per page, plus postage reimbursement, as specified in WAC 137-08-110.
      - b. Payment should be requested in the form of a check or money order and must be received before copies are sent.
  - D. All copies of records provided to incarcerated requesters in response to public records requests will be sent through the United States Postal Service, unless the requester:
    1. Designates a non-incarcerated third party to receive the records, or
    2. Signs for and picks up his/her own health records at the facility in which s/he is currently housed.


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- E. All copies of records provided to non-incarcerated requesters in response to public records requests will be sent through the United States Postal Service, unless:
  - 1. Copies are available and provided at the time of inspection,
  - 2. Records are provided electronically, or
  - 3. The requester picks up the records in person.
- F. The Department does not charge a fee for inspecting or locating public records.
- G. Responses may be provided in electronic format at the Department's discretion, if electronic release is possible and prudent given available Department resources.
- H. Incarcerated offenders will only be permitted to inspect their own:
  - 1. Central file, and
  - 2. Health care record per DOC 640.020 Offender Health Record Management.
- I. Requests by incarcerated offenders 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 offender's sentence will be handled per DOC 590.500 Legal Access for Offenders.

#### IV. 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,
  - 2. All records provided, in their original format,
  - 3. Any records redacted or withheld, indicating the information removed/withheld,
  - 4. The Agency Denial Form/Exemption Log, if redactions were taken or records were withheld, and
  - 5. Any supporting documents indicating who was contacted and the response received.


#### V. Notification

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- A. The Department will send letters to specific individuals notifying them 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 of such records. RCW 42.56.540 allows for this process to occur at the discretion of the public agency.
1. Individuals will be provided no less than 7 business days to notify the Department of their intent to seek injunction.
  2. Notification will include:
    - a. Cover letter,
    - b. Copy of the original request,
    - c. Copy of applicable statute, and
    - d. All responsive records applicable to the addressee of the notification, in the format in which they will be released to the requester.
  3. Notification is provided to all staff and volunteers, and may be provided to former employees (i.e., mailed to the last known address) when public disclosure requests are made regarding their own:
    - a. Personnel files,
    - b. Disciplinary actions,
    - c. Personnel grievances, and/or
    - d. Allegations of misconduct.
  4. In addition, staff and volunteers may receive notification if they are involved in providing investigative witness statements or their names are included in records that indicate behavior or information unrelated to the scope of normal job duties.
  5. Contractors should be notified when proprietary information is involved.
  6. Offenders will not be notified as part of normal procedure.

## VI. Appeal Process

- A. If the requester disagrees with a decision to deny the request, in whole or in part, s/he may appeal to the Department Appeals Officer for review. The Department Appeals Officer will review the appeal and affirm or reverse the denial.
- B. Appeals will not be considered if submitted 12 months or more after the Department's last response or production of records.

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C. Any further appeal will be made to the Superior Court per RCW 42.56.

**DEFINITIONS:**

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

**ATTACHMENTS:**

None

**DOC FORMS:**

[DOC 05-066 Request for Disclosure of Records](#)