



STATE OF WASHINGTON

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TO: Agency Directors

FROM: Roselyn Marcus *Roselyn Marcus*
Assistant Director for Legal & Legislative Affairs

SUBJECT: GOVERNMENT SHUTDOWN CONTINGENCY PLANNING FOR PUBLIC RECORDS REQUESTS

The state Public Records Act, Chapter 42.56 RCW, requires an agency to respond to public records requests within five business days of receipt. Agencies may currently be processing public records requests and have deadlines for providing those records. However, if agencies are partially or completely shut down due to the lack of a 2017-19 operating budget, the public records function is one of those services that will not be operating due to the lack of appropriation authority. Therefore, agencies will not be able to “receive” a public records request, nor respond to that request within the statutory five business-day notice period.

All agencies that will be shut down, in whole or in part, should be posting information on their website alerting the public as to their status. Included in the notice should be a list of services that will be operating and those that will not be operating during the shutdown period.

To mitigate the consequences of the constitutionally required shutdown that prevents an agency from continuing the public records function, the public records function should be included in the list of services that will not be provided and that no public records requests will be processed. In addition, agencies should post the attached announcement on their home page and public records Web page, modified to meet individual circumstances.

cc: Deputy Directors