

# **OBTAINING PUBLIC ADMINISTRATIVE RECORDS**

The Washington State Judiciary would like to assist you in understanding the Washington law governing access to administrative court records, as well as the process for obtaining those records.

We provide this information as a guide — not as a legal document.

The state judiciary's rule regarding inspection and copying of administrative records is General Court Rule GR 31.1 (GR 31.1). This rule memorializes the state judiciary's commitment to an open administration of justice as provided in article I, section 10 of the Washington State Constitution. It is the judiciary's policy to facilitate access to administrative records; however, there are some exemptions and limitations that may apply to administrative records requests.

This is an overview of your right to access judicial administrative records. If you would like more specific information, you should refer to GR 31.1.

## **Which Judicial Administrative Records Are Public?**

- A judicial "administrative record" means a public record created by or maintained by a court or judicial agency that is related to the management, supervision, or administration of the court or judicial agency.

A court or judicial agency can include:

- The Washington State Supreme Court
- The three Divisions of the Washington Court of Appeals
- County Superior and District Courts
- Municipal Courts
- Administrative and Clerks' Offices of the above courts
- Any state Judicial Branch entity identified in GR 31.1(k)

The record may be in a variety of forms such as:

- A written document
- An audio or video recording
- A picture
- An electronic disk
- A magnetic tape
- An e-mail message

## **Which Administrative Records Are Available for Inspection?**

All administrative records maintained by a court, court clerk's office, court administrative office, or other judicial branch entity are available for public inspection unless

specifically exempted under court rule, statute or case law. You are entitled access to administrative records under reasonable conditions, and to obtain copies of those records upon paying the costs of copying or scanning the records. Specific or clarifying information may be necessary to ensure your request is properly processed.

## **Exempt Records**

While the state judiciary strongly encourages disclosure of administrative records, certain information may be withheld if prohibited under this rule, other court rules, federal statutes, state statutes, court orders, or case law. These “exemptions” are listed in GR 31.1. Any ambiguities can be resolved by reviewing the exemptions listed in the [Public Records Act \(RCW 42.56\)](#). Other exemptions are found elsewhere in Washington law and federal law.

Many of the exemptions are designed to protect the privacy rights of individuals. Other exemptions are designed to protect the independent decision-making of the courts and the judicial agencies that assist them.

You may also wish to consult with the court or judicial agency’s public records officer to determine whether the court or judicial agency believes the documents you seek are publicly accessible.

Although part of a record may be exempt from public view that does not mean the entire record is exempt. In those cases, the court or judicial agency has the obligation to redact the information it believes is not subject to disclosure and provide you the rest.

If you are denied access to all or part of a judicial administrative record, the court or judicial agency must document why it believes denial is justified.

## **A Court or Judicial Agency Is Not Required to Create Records**

While, in general, a court or judicial agency must provide access to existing administrative records in its possession, a court or judicial agency is not required to collect information or organize data to create a record that does not exist at the time of the request.

## **How to Request Records**

A formal request for administrative records should be in writing although it can be initiated in person, by mail, e-mail or fax, or over the telephone. The addresses and telephone numbers of courts and judicial agencies are listed in most current telephone directories, or you can obtain the telephone number of a court or judicial agency by calling the Washington State Administrative Office of the Courts at 360-753-3365, Monday through Friday, excluding holidays, between the hours of 8:00 a.m. and 5:00 p.m. Also, a court directory that includes telephone numbers, mailing and email addresses is located at [www.courts.wa.gov](http://www.courts.wa.gov).

Each court or judicial agency is required to:

- Provide assistance to citizens in obtaining administrative records.
- Explain how the administrative records process works.
- Provide the mailing address, telephone number, fax number, and e-mail address of the court or judicial agencies public records officer.

If you request certain administrative judicial records, the court or judicial agency must make them available for inspection or copying (unless they are exempt from disclosure) during customary office hours.

It is important to make your request as specific as you can and the request should be in writing. A written request helps to identify specific records you wish to inspect. Most courts and judicial agencies will have an administrative records request form they will ask you to use.

After your inspection of records, you may identify those records you desire and, if copying does not disrupt the court or judicial agency's operations, copies can be made promptly. The court or judicial agency may enact reasonable rules to protect records from damage or disorganization and to prevent disruption of operations.

## **The Court or Judicial Agency Response to a Request**

Courts or judicial agencies are required to respond to an administrative records request within five working days of its receipt or, in the case of small courts that convene infrequently, no more than 30 calendar days from the date of its receipt. The response shall acknowledge receipt of the request and either provide the record(s) or acknowledge your request and include a good-faith estimate of the time needed to provide records responsive to the request. If a request is not clear, the court or judicial agency may ask you for further clarification.

## **The Court or Judicial Agency May Notify Affected Persons and May Seek Court Protection**

The court or judicial agency may notify persons to whom the record pertains that release of the record has been requested. The agency, or a person to whom the record applies, may ask a court to prevent an inspection of the record. If a court order preventing disclosure is sought, the records request will be held until further order of the court.

## **Fees**

There is no fee for inspecting public records, but the court or judicial agency may charge a fee for the actual costs of copying or scanning the records.

## **Options if a Request is Denied**

If your administrative records request is denied, you may ask the court or judicial agency to conduct an internal review of the denial. Your internal review request must be within 90 days from the denial by the public records officer. The court or judicial agency has forms available to request review of a decision. The review proceeding will be held within five working days of the request, except those courts that convene infrequently, which shall have the review with 30 calendar days. If that is not reasonably possible, then within five working days the review shall be scheduled for the earliest practical date.

**External Review:** After the internal review process has been exhausted and a final decision has been made, you can request an external review of a denial. Request for an external review must be submitted within 30 days of the internal decision described above. You may choose between two external review alternatives:

- File a civil action in superior court challenging the administrative records decision; or
- Request external review of the decision by a visiting judge or outside decision maker.

If you seek review of a decision made by a court or made by a judicial agency that is directly reportable to a court, the outside review shall be by a visiting judicial officer. If you seek review of a decision made by a judicial agency that is not directly reportable to a court, the outside review shall be by a person agreed upon by you and the judicial agency. If you and the judicial agency cannot agree upon a decision maker, the presiding superior court judge in the county in which the judicial agency is located shall either conduct the review or appoint a person to conduct the review. The review proceeding shall be informal and summary. The decision resulting from the informal review proceeding may be further reviewed in superior court pursuant to a writ of mandamus, prohibition, or certiorari.