

JLARC Guidance and How Agencies are Implementing RCW 40.14.026

WAPRO 2018 SPRING TRAINING

Presented by:

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AGO Local Government Public Records Consultation Program

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Assist local government agencies in developing PRA best practices on:

- Responding to records requests;
- Seeking additional public and private resources for developing and updating technology information services; and
- Mitigating liability and costs of compliance.

Material to be covered:

- ▶ RCW 40.14.026
 - Public Records Requests Logs
 - JLARC Reporting
- ▶ TRACKING AND ASSESSING JLARC METRICS
 - Agency Developed Systems
 - Commercial Products
- ▶ JLARC PORTAL

RCW 40.14.026

PUBLIC RECORDS REQUEST LOG

Public Records Request Log

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Each agency shall maintain a log of public records requests submitted to and processed by the agency, [including]:

- ▶ The identity of the requestor if provided by the requestor,
- ▶ The date the request was received,
- ▶ The text of the original request,
- ▶ A description of the records produced in response to the request,
- ▶ A description of the records redacted or withheld and the reasons therefor, and
- ▶ The date of the final disposition of the request.

RCW 40.14.026(4)

RCW 40.14.026

JLARC REPORT

JLARC METRICS

WHO HAS TO REPORT?

AGENCIES WITH COSTS LESS THAN \$100,000.

JLARC LIGHT

AGENCIES WITH COST GREATER THAN \$100,000.

FULL JLARC REPORT

JLARC REPORTING

Cost Analysis

- ▶ PR Staff Compensation
 - ▶ Base wage
 - ▶ Benefits
 - ▶ Pro-rated if less than full time
 - ▶ Overhead Rate
- ▶ Non PR Compensation
 - ▶ Cost of staff time identifying records for disclosure
 - ▶ Base wage / Benefits / Overhead Rate
- ▶ Legal Costs
 - ▶ Attorney (outside or in-house counsel)

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Available at <http://leg.wa.gov/jlarc>

JLARC REPORTING

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- ▶ *One report for each Agency.*

- ▶ *Reporting Periods*
 - ▶ July 23, 2017 – December 31, 2017 Due July 1, 2018
 - ▶ Calendar year thereafter. July 1 thereafter

- ▶ *JLARC Light*
 - ▶ Agency name.
 - ▶ Agency type. (city, county, school district...)
 - ▶ Contact person and backup contact.
 - ▶ Attestation.
 - ▶ Agencies will be required to attest that they have completed a cost analysis and do, or do not, meet the \$100,000 reporting threshold.

TRACKING AND ASSESSING

**AGENCY
DEVELOPED
SYSTEMS**

**COMMERCIAL
PRODUCTS**

Agency Developed Systems

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- ▶ Internally developed data base.
- ▶ Excel spread sheet.
- ▶ Binder on the shelf.

- ▶ Request Specific – Approx. 15 data points/columns.

Minimum Data Points Request Specific

- ▶ 1 Final disposition date.
- ▶ 2 Request date.
- ▶ 3 Five day letter date.
- ▶ 4 Records provided date.
- ▶ 5 Estimated response date.
- ▶ 6 Insufficient Requestor Contact Info.
- ▶ 7 Installment Production (Y/N).
- ▶ 8 Clarification Requested Date.
- ▶ 9 Drop down (denied in full/provided with redaction/provided in full w/o redaction)
- ▶ 10 Request Abandoned Date.
- ▶ 11 Drop down - 10 requestor types.
- ▶ 12 Drop down - 4 production means.
- ▶ 13 Were records scanned for production (Y/N).
- ▶ 14 Costs recovered from requestor.
- ▶ 15 Customized service charges.

Commercial Products

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- ▶ Two Common Commercial Platforms.
 - ▶ Gov QA
 - ▶ NextRequest
 - ▶ Neither System Will Provide All The Required Metric Data Points.

Tracked Within the Program

Gov QA	NextRequest
Baseline, 2 – 12, 17 – 18	Baseline, 2 – 12, 17

Requires External Data

Gov QA	NextRequest
1, 12 – 16	1, 12 – 16, 18

Commercial Products

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- ▶ Double check your data – don't blindly rely on the programmers.
- ▶ Will only report based on the data input into the system.
- ▶ Is only as good as the people behind the keyboard– develop operations policies.
- ▶ Both programs have made upgrades as JLARC honed their expectations.
- ▶ Data sets may not be complete.
- ▶ Have a plan for developing defensible data.

JLARC METRICS

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**Request
Specific**

**Metric
B, 2-11**

**Metric
12, 17**

**Big Picture
& Litigation**

**Metric
1, 13-16, 18**

City of Seattle JLARC Metric Reporting Plan

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Metric	Description	Source	Notes	How info will be collected
baseline data	Total number of open requests at the start of the reporting period, total number received during and requests closed during the reporting period	GovQA	SPD has open requests outside of GovQA. SPD will provide a count	CPRA should be able to gather info from GovQA reports, IT will assist if necessary
1	Leading practices and processes for records management and retention implemented, including	records mgmt		Records Management will provide a list
2	Average time to respond to a public records request	GovQA		
3	Percent of requests completed within five days of receipt and the percent of requests where an estimated response time beyond five days is provided	GovQA		
4	Average number of days from receipt of request to the date of final disposition of request	GovQA		
5	Average time estimate provided for full disclosure as compared to average of actual time to provide full disclosure	GovQA		
6	Total number of public records requests for which the agency formally sought additional clarification from the	GovQA		
7	Total number of requests denied and the most common reasons for denying requests	GovQA	5-10 most common reasons?	
8	Total number of requests abandoned by requesters	GovQA		
9	Total number of requests by type of requester	GovQA		
10	Percent of requests fulfilled electronically compared to the percent of requests fulfilled by physical records	GovQA		
11	Total number of requests where one or more physical records were scanned to create an electronic version to fulfill disclosure	GovQA		
12	Average estimated staff time spent on each public records request	GovQA/Law/CPRA/SPD	POOs, CPRA, managers, supervisors, etc (does include litigation time)	We may be able to remove full-time staff from GovQA report and manually add all of their time. All other POOs should come from GovQA. Law will give us a report on their time including outside counsel. Include IT support
13	Estimated total cost incurred by the agency in fulfilling records requests, including staff compensation and legal review and average cost per request	GovQA/Law/CPRA/SPD	staff compensation including benefits, legal review and supplies - GovQA, printing services, Adobe, paraben, etc (does not include litigation)	Contact HR for benefits costs. Law will provide their costs for Breeze or any other systems as well as staff costs if not in GovQA. See if we can get technology costs from HR or ITD. SPD has separate costs that SPD will collect
14	Total number of claims filed alleging a violation of 42.56 or other public records statutes during the reporting period, categorized by type and exemption at issue	Law		LAW will total claims for year
15	Total costs incurred by the agency litigating claims alleging a violation of 42.56 including penalties imposed	Law	include outside counsel	Law should have a report with this info
16	Estimated costs incurred by the agency with managing and retaining records, including staff compensation and purchases of equipment, hardware, software and services to manage and retain public records or otherwise assist in the fulfillment of public records	records mgmt	will include GovQA costs, records retention costs, EAED costs	Records Mgmt will gather what they can and CPRA will follow-up. Include SPD, SPU, SCL and ITD.
17	Total expenses recovered by the agency from requesters for fulfilling public records requests, including any customized charges	GovQA		Total of fees collected in GovQA
18	Measures of requester satisfaction with agency responses, communication and process relating to the fulfillment of public records requests	GovQA	averages	

Primary Responsibility for Metric			
Green	Gov QA	Yellow	All
Blue	Records Management	Red	Legal

Provided as a handout.

Metric 1

Leading Practices

- ▶ This is anticipated to be a check box on the JLARC reporting site.
- ▶ Information will likely come from:
 - ▶ Records Manager,
 - ▶ HR Department, and
 - ▶ Information Technology Manager.

Metric 12

Average Staff Time

- ▶ This is anticipated to be a single box requiring numerical input.
- ▶ Actually looking for a total number.
- ▶ Information will likely come from:
 - ▶ PRA Tracking system,
 - ▶ Public Disclosure Officers,
 - ▶ Public Records Liaisons,
 - ▶ IT Department,
 - ▶ Fiscal Personnel, and
 - ▶ Managers, & Supervisors.
- ▶ Does not include litigation time.
- ▶ How to calculate general staff time for locating records.

Metric 13

Total Costs

- ▶ This is anticipated to be a single box requiring numerical input.
- ▶ Costs Include:
 - ▶ Staff compensation (including benefits and overhead),
 - ▶ Legal review (internal and outside counsel)
 - ▶ Supplies,
 - ▶ Software (GovQA/NextRequest, Adobe, Paraben, Discovery Accelerator)
- ▶ Does not include litigation costs.

Metric 14

Total Number of Claims

- ▶ Total number of court cases filed.
 - ▶ Only litigation initiated during the reporting period.
- ▶ Sources of Data:
 - ▶ Public Records Officer,
 - ▶ Legal department, and
 - ▶ Other?

Metric 15

Estimated Legal Costs

- ▶ Cost incurred during the reporting period for all filed claims, includes:
 - ▶ Agency staff time in litigation related matters,
 - ▶ Attorney fees (agency and requestor),
 - ▶ Settlements,
 - ▶ Penalties,
 - ▶ Costs.
- ▶ Sources of Data:
 - ▶ Public Records Officer,
 - ▶ Legal Department,
 - ▶ Fiscal Manager/CFO, and
 - ▶ Other.

Metric 16

Records Management Costs

- ▶ Four categories of cost:
 - ▶ Staff compensation with primary/major responsibility,
 - ▶ Purchase, lease and maintenance of equipment, hardware, software and services to manage and retain public records,
 - ▶ Costs associated with services purchased in relation to managing and retaining records,
 - ▶ Costs associated with systems/services whose primary/major function involves the fulfillment of public records requests.
- ▶ Sources of Data:
 - ▶ Public Records Officer,
 - ▶ Records Manager,
 - ▶ IT Manager,
 - ▶ Fiscal Manager/CFO, and
 - ▶ Other.

Metric 17

Total Expenses Recovered

- ▶ Two data points:
 - ▶ Total cost recovery, and
 - ▶ Customized service charges.
- ▶ Also will need to describe customized service charge.

Metric 18

Requestor Satisfaction

- ▶ Possible options:
 - ▶ Review of complaints received,
 - ▶ Internal appeals
 - ▶ Claims filed,
 - ▶ Timeliness of responses, and
 - ▶ Satisfaction survey.

City of Seattle

- #1 – How many times have you used the Public Records Request Center? (5=first time; 1=21 times or more)
- #2 – How easy was it for you to find the online Public Records Request Center? (5=very easy; 1=very difficult)
- #3 – How user friendly did you find the online Public Records Request Center? (5=very user friendly; 1=not at all user friendly)
- #4 – Rate the timeliness of the fulfillment of your request – (5=much faster than expected; 1-much slower than expected)
- #5 – Overall, how satisfied were you with the process of fulfilling your request? (5=very satisfied; 1=very dissatisfied)
- #6 – Overall, how satisfied were you with the service you received from public disclosure staff? (5=very satisfied; 1=very dissatisfied)

JLARC PORTAL

JLARC Portal - What we know.

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- ▶ Web based system – think “Survey Money”.
- ▶ You will be able to update/change your submission.
- ▶ Will require entry of information in a specific format.
 - ▶ Metric 1 – Leading Practices --- Check box.
 - ▶ Metric 7 - Denials and Most Common Reasons – Write in field (60 characters) for each reason.
 - ▶ Metric 12 – Cost --- Numbers only – no text write in option.
 - ▶ Metric 13 – Time – Numbers only – No text write in option.



 **UNDER CONSTRUCTION**

JLARC Portal

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- ▶ Reporting system is “open” as of May 2, 2018.
www.jlarc.leg.wa.gov
- ▶ Web based system – think “Survey Money.”
- ▶ You will be able to update/change your submission.
- ▶ JLARC has developed in Instruction Manual.
- ▶ Will require entry of information in a specific format.
 - ▶ Metric 1 – Leading Practices --- Check box.
 - ▶ Metric 7 - Denials and Most Common Reasons – Write in field (60 characters) for each reason.
 - ▶ Metric 12 – Cost --- Numbers only – no text write in option.
 - ▶ Metric 13 – Time – Numbers only – No text write in option.

Welcome to the Public Records Request Reporting System

Please review the [instructions for reporting](#). If you are reporting for the first time, you will need to create a Washington State Legislature public account. Follow the link below to create this account. Once you have created this account, register with your phone number, job title, agency, city, county, and legislative district.

If you have any questions, please email JLARCPublicRecStudy@leg.wa.gov.

Log In

JLARC Portal.

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WASHINGTON STATE LEGISLATURE



Legislature Home

- House of Representatives
- Senate
- Find Your District
- Laws & Agency Rules
- Bill Information
- Agendas, Schedules, and Calendars
- Legislative Committees
- Coming to the Legislature
- Legislative Agencies
- Legislative Information Center
- Email Updates (GovDelivery)
- View All Links

Log in with your account from:

 **Public WSL Account**

 **Non-Legislature State Employees**

[Create a new WSL account](#)
[What is a WSL account?](#)

What do we do with your data? See our [Privacy Policy](#)

Cancel

 **Additional Information**

JLARC Portal.

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WSL Account Management: Create an Account

First Name:

Last Name:

Email:

Password:

Confirm Password:

Create Account

- email address is required

Password Requirements:

- At least 8 characters
- At least 1 upper case character
- At least 1 lower case character
- At least 1 special character (e.g. #, \$, etc.)
- Passwords must match

JLARC Portal.

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JLARC Public Records Reporting [RCW](#) [FAQ](#) Hello, Test! [Log Out](#) [Edit Profile](#)

Create Your JLARC Profile

First name
 (96 characters remaining)

Last name
 (96 characters remaining)

Email address

Phone number

Extension

Job title
 (50 characters remaining)

Agency **East Wenatchee**

☐ Statewide Agency

Cities

Select below or type to search

Counties

Select below or type to search

Legislative Districts
Select below or type to search

[Register](#)

Auto fill based on email address.

JLARC Portal.

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[JLARC Public Records Reporting](#) [RCW](#) [FAQ](#)

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Cancel

Additional Information

JLARC Portal – Less than 100k.

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[JLARC Public Records Reporting](#) [RCW](#) [FAQ](#)

Hello, Test! [Log Out](#) [Edit Profile](#)

Public Records Request Reporting System

Each agency will submit a single report. Reports are due by Sunday, July 01, 2018.

You may enter and save data until the due date. The system will save your entries between multiple visits. If you have any questions, please review the [Agency Guidance](#), the [FAQ](#), or email JLARCPublicRecStudy@leg.wa.gov.

Agency	Reporting Year
East Wenatchee	2017

Declare Your Reporting Status

[Why is this required?](#)

Please select the one that applies

- ☐ Met the \$100,000 threshold and will be reporting
- ☐ Did not meet the \$100,000 threshold and will voluntarily be reporting
- ☐ Did not meet the \$100,000 threshold and will not report

Save

Cancel

JLARC Portal – Less than 100k.

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Public Records Request Reporting System

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Agency Reporting Year

East Wenatchee

2017

Did not meet the \$100,000 threshold. Not reporting.

Submit reporting status to JLARC

[Change Reporting Status](#)

Submit to JLARC

Submitting this form will send this information to JLARC. You may come back at a later date to make edits and re-submit this form.

Cancel

OK

Confirmation

Your report has been submitted successfully. A confirmation email has been sent to publicrecordstestinguserthreeb@gmail.com.

You may edit and resubmit your report until Sunday, July 01, 2018.

[Return to Summary Page](#)

JLARC Portal – More than 100k.

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[JLARC Public Records Reporting](#) [RCW](#) [FAQ](#)

Hello, Test! [Log Out](#) [Edit Profile](#)

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Save

Cancel

JLARC Portal – More than 100k.

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[Why is this required?](#)

Agency

Reporting Year

East Wenatchee

2017

[Begin with Baseline Data](#)

[Change Reporting Status](#)

JLARC Portal – More than 100k.

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0 of 19 Metrics Complete

[Next Metric >](#) [Return to Summary Page](#)

Baseline data (Incomplete)

The baseline data will be used by the reporting system to automate some of the calculations included in the metrics.

The reporting period for 2017 is July 23, 2017 to December 31, 2017.

The reporting periods beginning in 2018 and onward will encompass a complete calendar year (January 1st to December 31st). [Click here](#) for guidance related to Baseline data.

Baseline data

There are several formulas that are dependent on the baseline entries, so it is recommended that you complete this screen first.

Total number of open public records requests at the beginning of the reporting period

Total number of public records requests received during the reporting period

Total number of public records requests closed during the reporting period

[Save](#)

[Next Metric >](#) [Return to Summary Page](#)

Public Records Request Reporting System

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[Why is this required?](#)

You may enter and save data until the due date. The system will save your entries between multiple visits. If you have any questions, please review the [Agency Guidance](#), the [FAQ](#), or email JLARCPublicRecStudy@leg.wa.gov.

Agency Reporting Year
East Wenatchee 2017

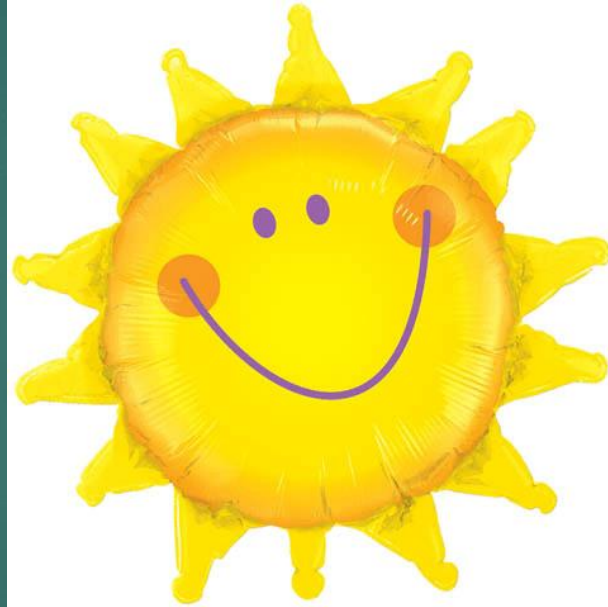
This form still needs to be submitted to JLARC before the process is complete.

[Review and Submit](#) [Change Reporting Status](#)

1 of 19 Metrics Complete

Metric	Description	Status	
0	Baseline data	Complete	Edit
1	Best practices	Incomplete	Edit
2	Average time to respond	Incomplete	Edit
3	Percent of requests completed within 5 days	Incomplete	Edit
4	Average number of days from receipt to final disposition	Incomplete	Edit
5	Average time estimate provided compared to average actual time	Incomplete	Edit
6	Number of requests for which additional clarification was sought	Incomplete	Edit
7	Number of requests denied	Incomplete	Edit
8	Number of requests abandoned by requesters	Incomplete	Edit
9	Number of requests, by type of requesters	Incomplete	Edit
10	Percent of requests fulfilled electronically compared to percent fulfilled by physical records	Incomplete	Edit
11	Number of requests where records were scanned	Incomplete	Edit
12	Average estimated staff time spent on each request	Incomplete	Edit
13	Estimated total costs incurred	Incomplete	Edit
14	Number of claims filed alleging a violation of Chapter 42.56 RCW	Incomplete	Edit
15	Costs incurred litigating claims alleging a violation of Chapter 42.56 RCW	Incomplete	Edit
16	Estimated costs incurred managing and retaining records	Incomplete	Edit
17	Expenses recovered from requesters	Incomplete	Edit
18	Requester satisfaction	Incomplete	Edit

Thank you!



Any Questions?