PRA as a Prelude to Litigation Q&A Follow-Up:

We have been directed to deny prrs for open criminal cases (not civil) and direct them to the court for discovery. If this is incorrect, how do we convince our legal department that this is incorrect? Are there court cases to reference?
Open criminal investigations are catagorically exempt. but if the case is with the prosecutor, the catagorical exemption has probably gone away

Is there a time limit on filing litigation?
a PRA claim has to be filed within a year of the final response. Other civil claims are subject to varying statutes of limitations. Three years is common

How often do you recommend training?
Ideally a reminder every few months, but that is often just not going to happen. I would at least try pushing for annual training.

Where can I find literature on those incarcerated and what makes that different? Thank you.
RCW 42.56.565 addresses inmate requests and limits on them. The WSBA PRA deskbook has a chapter on this as well.

Why are inmate requests treated differently?
RCW 42.56.565 says we can treat inmates a little different -- the exemptions apply the same but if they are harassing, there is a possibility for relief.

Question to Shannon about the grocery list to husband, even if created on an agency device. I would not understand that as a public record, unless the same message also meets the second prong of the definition of a public record--information pertaining to the conduct of the agency. Is that right? That is why I am always telling employees to stick to one topic in an email, and not mix purely personal content in content relating to the agency's work.
You are correct but as an agency you don't want to have to be making such calls in most cases. And discovery requests in litigation is not limited to "public records".

If outside counsel takes on the work the of the agency's PRO, such as writing the responses and directly providing records responsive to the PRA requests, could the attorney become a witness in a lawsuit against the agency?
It's possible -- especially if that attorney's actions lead to the lawsuit. but there are lots of nuances. Discuss the issue with that attorney.

We have a routine requestor that always asks for all collision reports. They provide the non-commerical purposes form, but we know they are using it to send letters to injured parties for solicit business for physical therapy, massage, etc. We keep providing the records, but is there something we should be doing to report the abuse by the requestor?
generally there is not a prohibition on using records for commercial purposes. The only exception is for list of names. but talk to other jurisidictions -- collussion reports are kept by WSP, and your agency might not need to keep them. but talk to your attorney about this.