

The background of the slide is a photograph of a white filing cabinet. The cabinet has multiple drawers and shelves, all of which are filled with numerous brown paper folders. In the center of the cabinet, a white and black printer is visible. The lighting is warm, and the overall scene suggests a professional office environment. On the left side of the image, there is a black triangular graphic with white geometric lines.

WHEN IN DOUBT, CLARIFY!

TIPS AND TRICKS FROM AN
ATTORNEY FOR INTERPRETING,
SCOPING, AND CLARIFYING
REQUESTS

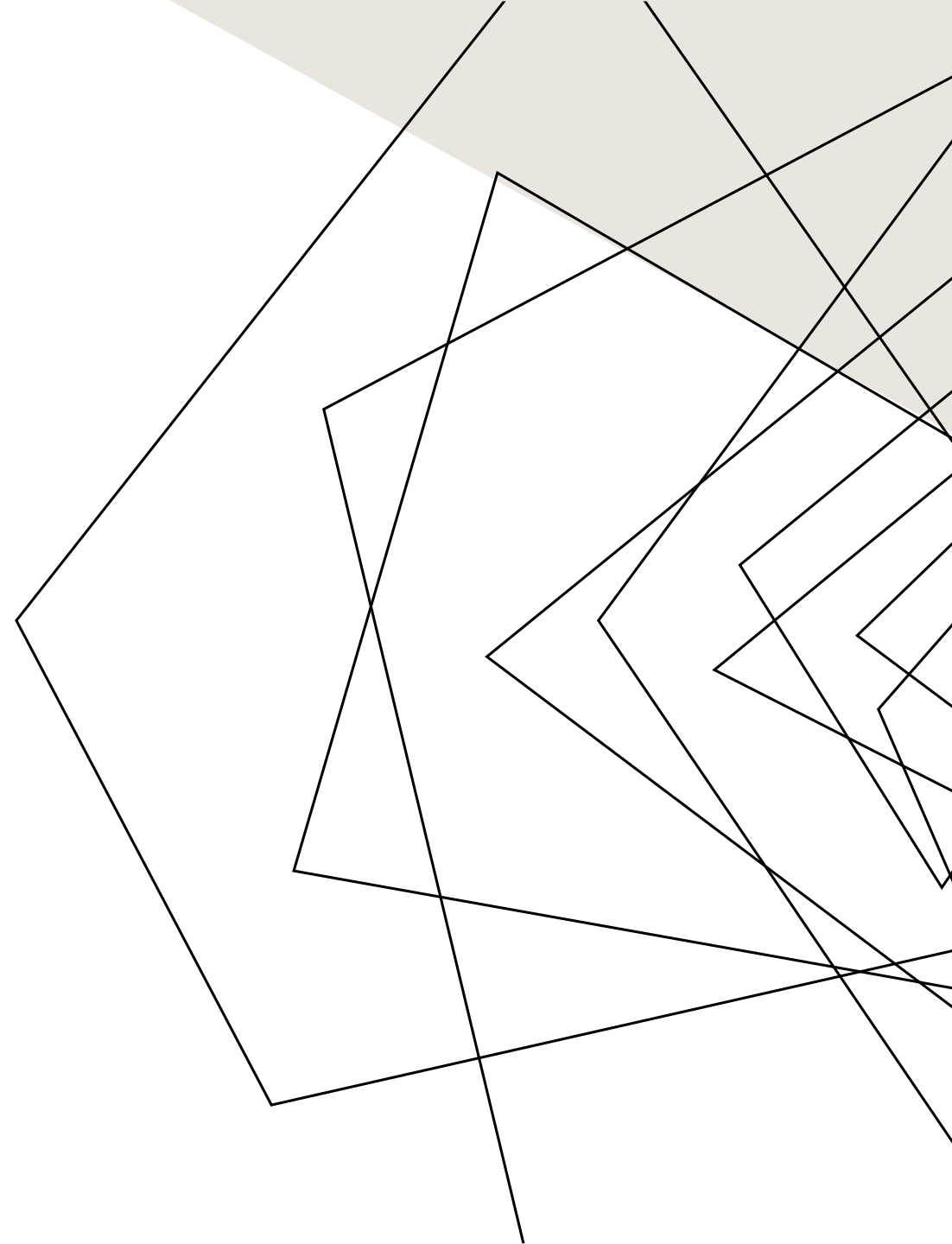
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DISCLAIMER

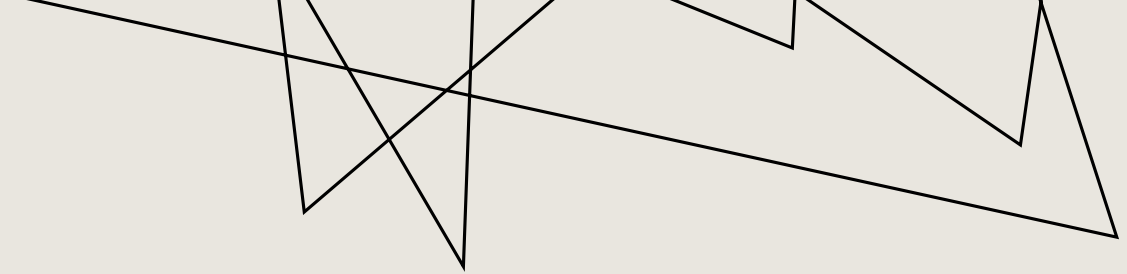
- ❖ This presentation is not intended to serve as legal advice or to offer a legal opinion.
- ❖ Every public records request is unique, and the response should be tailored to that request.
- ❖ **Always consult with your agency's attorney.**



ROADMAP FOR TODAY'S DISCUSSION



- Discuss strategies for interpreting and clarifying requests, including lessons from the Courts.
- Apply these strategies to real requests, including examples of clarification letters.
- Final thoughts and tips to reduce legal risks.
- Questions?



AN ADEQUATE SEARCH STARTS WITH A DEFENSIBLE INTERPRETATION

“An adequate search is a prerequisite to an adequate response, so an inadequate search is a violation of the PRA because it precludes an adequate response.”

Neighborhood All. of Spokane Cnty. v. Spokane Cnty., 172 Wn.2d 702, 724, 261 P.3d 119 (2011)

INTERPRETATION STRATEGIES

- **Start at the beginning:** Is any portion a request for identifiable public records?
- **Analyze for “traps”:** Carefully read everything and don’t forget headings, commas, and formatting (or lack thereof).
- **Document every decision:** The “why” becomes vital during litigation.
- **Gather useful information:** What are the requestors goals? Would they rather have information than documents?
- **Consult the subject-matter experts at your agency:** You can’t be expected to know all industry-specific terms.
- **Check with other agencies:** Has this requestor submitted the same request to other agencies, and are they further along in processing?

CLUES FROM THE COURTS

***Yousoufian v. Office of Ron Sims*, 168 Wn.2d 444, 450, 229 P.3d 735, 739 (2010)**

- ❑ Failure to read: “[I]t was apparent from the correspondence that [the employee] did not carefully read nor ... understand Mr. Yousoufian's [PRA] request.”
- ❑ Failure to interpret: The County employee “ended her letter by commenting on the ‘difficulty’ she had in interpreting Yousoufian's PRA request. The trial court found that Yousoufian's request was clear.”

***Beal v. City of Seattle*, 150 Wn. App. 865, 872, 209 P.3d 872, 875 (2009)**

- ❑ “An identifiable public record is one for which the requestor has given a reasonable description enabling the government employee to locate the requested record. Although requestors are not required to cite to the PRA itself, they must state their request with sufficient clarity to give the agency fair notice that it has received a request for a public record.”

CLUES FROM THE COURTS

***O'Dea v. City of Tacoma*, 19 Wn. App. 2d 67, 80–81, 493 P.3d 1245, 1252 (2021)**

- ☐ Washington courts apply a “**fair notice**” test to distinguish PRA requests from those arising from some other legal authority.
- ☐ “Fair notice” under the PRA does not have a comprehensive definition, but Washington courts “have advanced factors that comprise ‘fair notice.’ ” “These factors fall under two broad categories: ... characteristics of the request itself, and ... characteristics of the requested records.”
- ☐ The factors relating to the characteristics of the request are: (1) its language, (2) its format, and (3) the recipient of the request.
- ☐ The factors relating to the characteristics of the records are “(1) whether the request was for specific records, as opposed to information about or contained in the records,” “(2) whether the requested records were actual public records,” and “(3) whether it was reasonable for the agency to believe that the requester was requesting the documents under an independent, non-PRA authority.”

“THE PRA DOES NOT
REQUIRE PUBLIC
AGENCIES TO BE MIND
READERS.”

Bonamy v. City of Seattle,
92 Wn. App. 403, 409, 960 P.2d 447 (1998)

“While the PRA permits an agency to ask for clarification, the agency must also complete one of the four enumerated options within five days.”

Hikel v. City of Lynnwood,
197 Wn. App. 366, 374, 389 P.3d 677 (2016)



CLARIFICATION STRATEGY

- **Confer with the requestor:** A phone call may help clear up what is being sought.
- **Clarify to reduce the size of the request:** Verify the “who”, “what,” and “when”.
- **More is more:** Complete clarification letters can be multiple pages in length.
- **Document every decision:** Transparency is vital and the “why” is material during litigation.
- **Clarify any “traps”:** Carefully read everything and don’t forget to clarify headings, commas, and formatting (or lack thereof).
- **Consistency is key:** Include the clarification and confirmation terms in every correspondence with the requestor.
- **Seek clarity, but don’t be surprised if it never comes:** Your audience for your clarification is the requestor and the court.

CLUES FROM THE COURTS

***Hood v. City of Prescott*, 39618-5-III, 2024 WL 1883967, at *4 (Wash. Ct. App. Apr. 30, 2024)**

- ☐ Failure to document: “[Employee’s] declaration did not indicate the specific search terms used, the type of searches performed, or the locations searched.”
- ☐ Failure to clarify: “[Employee] stated that he found Hood's second request confusing because of the reference to two separate dates. [Employee’s] best interpretation of this request “was that he was seeking communications between the City and the Auditor in response to the audit report.”

***Levy v. Snohomish County*, 272 P.3d 874 (Wash. Ct. App. Div. 1 2012).**

- ☐ Requestor sought “a document that his attorney apparently showed him during a 2002 criminal trial.” County's request for clarification was appropriate, as the county had no objective method for determining what document inmate's attorney had shown him.

***Banks v. City of Tacoma*, 52072-9-II, 2021 WL 2229038, at *8 (Wash. Ct. App. June 2, 2021)**

- ☐ “Upon realizing that plaintiffs’ PRA request was similar to a prior request, the City could have contacted the plaintiffs, explained that the City had similar but not completely coextensive prior responses, and clarified whether the plaintiffs wanted copies of the prior responses right away even if they were overinclusive. This would not have relieved the City of the obligation to update their search for responsive documents, see RCW 42.56.520(1)(d), but it could have eased the burden of carefully reviewing prior responses to remove nonresponsive records. And if the plaintiffs declined copies of prior responses, the City could have confirmed this clarification in writing. *Id.*”



“A SEARCH NEED
NOT BE PERFECT,
ONLY ADEQUATE”

*Neighborhood All. of Spokane Cnty. v.
Spokane Cnty.*, 172 Wn.2d 702, 720, 261
P.3d 119 (2011) (quoting *Meeropol v.
Meese*, 252 U.S.App. D.C. 381, 395 (1986))

SEARCHING STRATEGY – CLUES FROM THE COURT

- The adequacy of a search is governed by a standard of reasonableness. The search must be reasonably calculated to uncover all relevant documents.

Neighborhood Alliance of Spokane County v. County of Spokane, 172 Wn.2d 702 (2011).

- The search must be more than perfunctory and should follow all obvious leads as they are uncovered. An agency does not need to search every possible place a record could conceivably be stored but must search those places where it is likely to be stored.

Block v. City of Gold Bar, 189 Wash. App. 262 (2015).

SEARCHING STRATEGY – CLUES FROM THE COURT

- Courts want to see a contemporaneous written log or description of the people and departments contacted about the request, and a contemporaneous list of the places searched or the search terms used.

Banks v. City of Tacoma, 52072-9-II, 2021 WL 2229038, at *5 (Wash. Ct. App. June 2, 2021).

- An adequate response to the initial PRA request where records are not disclosed should explain, at least in general terms, the places searched.

Neighborhood All. of Spokane Cnty. v. Spokane Cnty., 172 Wn.2d 702, 722, 261 P.3d 119, 129 (2011).

Inconvenience is no excuse: “free and open examination of public records is in the public interest, even though such examination may cause inconvenience ... to public officials or others.” RCW 42.56.550(3).

CASE STUDIES

How have the Courts and other agencies
evaluated the adequacy of the search
based on a defensible interpretation of the request?

REQUEST NO. 1: THE CASE OF THE THINLY-VEILED REQUEST FOR INFORMATION

1) The complete electronic file information logs for the undated county planning division seating chart provided by Ms. Knutsen to the Neighborhood Alliance on May 13th. This information should include, but not necessarily be limited to, the information in the "date created" data field for the document as it exists on the specific Microsoft Publisher electronic document file created for the referenced seating chart. The requested information should also include, but not be limited to, the computer operating system(s) data record indicating the date of creation and dates of modification for the referenced seating chart document.

2) The identities of "Ron & Steve" individuals who are situated near the center of the seating chart referenced in item #1. Also, the identity of the individual listed as "Steve" in the cubicle with the number 7221 at the top of the chart.

ERRORS IN INTERPRETATION AND CLARIFICATION STRATEGY

- **Using intent to assist with interpreting the request:** “Essentially, the Alliance wanted to know when the ‘Ron & Steve’ seating chart was created. It sought to prove, using the BPD's own records, that the undated chart was created prior to job postings for the positions later filled by Ron and Steve.”
- **Dismissing without clarifying the request:** “Regarding Item # 2, the County replied that the PRA ‘does not require agencies to explain public records. As such, no response is required.’”
- **Limiting the search terms utilized:** “Regarding Item # 2, Knutsen did indeed conduct a search, but found no documents which reference the seating chart and identify the full names of ‘Ron and Steve’ or ‘Steve’ therein.”
- **Failing to interpret the request in a manner that would have facilitated an adequate search:** “Although the arguments have focused on the seating chart with the names of Ron and Steve, discovery should predictably reveal who inserted those names into the chart, and whether any documents, communications, or other written materials exist that prompted the inclusion.”
- **Failing to be transparent with the requestor:** “These should include the search terms and the type of search performed, and they should establish that all places likely to contain responsive materials were searched. An agency may wish to include such information in its initial response to the requester, since doing so may avoid litigation.”
- “[T]he County performed an inadequate search regarding Item # 1 and wrongfully refused to respond to Item # 2.”

Neighborhood All. of Spokane Cnty. v. Spokane Cnty., 172 Wn.2d 702, 711, 261 P.3d 119 (2011).

SAMPLE CLARIFICATION LETTER

Dear Requestor:

On June 10, 2019, the City received your public records request for the following:

- 1) *The complete electronic file information logs for the undated county planning division seating chart provided by Ms. Knutsen to the Neighborhood Alliance on May 13th. This information should include, but not necessarily be limited to, the information in the "date created" data field for the document as it exists on the specific Microsoft Publisher electronic document file created for the referenced seating chart. The requested information should also include, but not be limited to, the computer operating system(s) data record indicating the date of creation and dates of modification for the referenced seating chart document.*
- 2) *The identities of "Ron & Steve" individuals who are situated near the center of the seating chart referenced in item #1. Also, the identity of the individual listed as "Steve" in the cubicle with the number 7221 at the top of the chart.*

The City requests confirmation of the City's interpretation of your request in order to ensure you receive the records you seek:

Item #1: For Item #1, the City interprets your request as seeking all electronic records and associated metadata relating to the creation and editing of a "county planning division seating chart" that was provided by employee June Knutsen to the Neighborhood Alliance on May 13, 2019.

Enclosed is a copy of the relevant document to confirm this is the document you are referencing in your request; please confirm so that we can ensure that the records you seek are located and produced. Please confirm that the City has correctly interpreted your request so that we can ensure that the records you seek are located and produced.

The proposed search will include:

- all metadata demonstrating the creation date of the document, as well as the dates of any subsequent access of and/or edits made to the document; and
- any earlier drafts or iterations of the document that may have had a different title and will provide both the relevant document(s) and the associated metadata demonstrating the creation date and any dates the document was accessed and/or edited.

The City will, as a starting point, search all City-issued and personal devices, all electronic files, and all shared or local drives, utilized by Ms. Knutsen for City business during the time-period of two years prior to the May 13, 2019, date provided in your request. The City will also confirm whether any other employees assisted in the creation of preparation of the document and, if so, will include those employees, their electronic files and devices in the search and will notify you of same.

If additional devices, drives and other locations that are likely to contain relevant documents are located during the search, the City will expand this scope and provide you with notice of the expanded scope.

Item #2: For Item #2, the City requires clarification to ensure that the records you seek are located. Again, the City is not required to respond to questions, do research, or to give information that is not the subject of an identifiable public record.

However, as a courtesy, the City interprets the first sentence of this section of your request as seeking documents that identify the individuals marked as "Ron & Steve" on the enclosed "county planning division seating chart". The City interprets the term "identify" as used in your request to seek documents that provide the full name of these individuals, in association with their presence on the enclosed "county planning division seating chart".

Further, as a courtesy, the City interprets the second sentence of this section of your request as seeking documents that identify the individual marked as "Steve" in the cubicle bearing the label "7221" on the enclosed "county planning division seating chart". Again, The City interprets the term "identify" as used in your request to seek documents that provide the full name of this individual, in association with their presence on the enclosed "county planning division seating chart".

For this request, the City will as a starting point, search for any responsive records that contain the above-referenced requested information by searching all City-issued and personal devices, all electronic files, and all shared or local drives, utilized by Ms. Knutsen for City business during the time-period of two years prior to the May 13, 2019, date provided in your request. The City will also confirm whether any other employees assisted in the creation of preparation of the document and, if so, will include those employees, their electronic files and devices in the search and will notify you of same.

Alternatively, as a further courtesy, the City has verified with Ms. Knutsen the following information:

- The individual referenced as "Ron" in the center of the enclosed "county planning division seating chart" is employee Ron Swanson, PW Director.
- The individual referenced as "Steve" in the center of the enclosed "county planning division seating chart" is employee Steve Martin, PW Lead.
- The individual referenced as "Steve" associated with cubicle 7221 on the enclosed "county planning division seating chart" is employee Steve Urkel, Planning Director.

If the information provided in this letter fulfills your request and you no longer require records identifying these individuals, please let us know so that we can close this portion of your request as fulfilled.

Please review this letter carefully and provide the information sought so we can ensure that the records sought are expeditiously located and provided. Based on the breadth of this request, as well as the limited City resources and time necessary to review and evaluate the records, the City anticipates that the first and final installment will be ready on or before June 25, 2019.

If you have any questions regarding this request, please contact the undersigned.

REQUEST NO. 2: THE CASE OF THE DECEPTIVELY NARROW REQUEST

Record(s) Requested: I learned that your organization was recently audited by the state auditor. May I have all records it got from the auditor and all records of any response to the audit or to the audit report.

INTERPRETATION AND CLARIFICATION STRATEGY

- **Break the request into its component parts and identify what is missing or contradictory:**
 - “I learned that your organization was **recently** audited by the **state auditor.**”
 - “May I have **all records it got from the auditor** **and** **all records of any response to the audit or to the audit report.**”
- **Utilize your resources:** Has anyone else received the same request and how was it handled?
- **Re-clarify when necessary:** “Employee did not ask Hood to clarify his narrowed request.” “[T]he language ‘any response to the Accountability [R]eport’ suggested he was ‘seeking records whereby City personnel responded directly to the auditor,’ which seemed to contradict with his request for “any internal records of response to the auditor or auditors [sic] report for the same time range.” *Hood v. City of Prescott.*
- **Document, document, document:** Document interpretation, search parameters, all correspondence with the requestor, and seek confirmation at each step.

SAMPLE CLARIFICATION LETTER

Dear Requestor:

On March 1, 2021, the City received your public records request for the following:

*I learned that your organization was recently audited by the state auditor.
May I have all records it got from the auditor and all records of any
response to the audit or to the audit report.*

Please note: under the Public Records Act, Ch. 42.56 RCW, a public records request must be for specific identifiable records in existence at the time your request was made. Pursuant to the Public Records Act, RCW 42.56, the City is not obligated to create a new record to satisfy a records request. Additionally, the City is not required to respond to questions, do research, or to give information that is not the subject of an identifiable public record.

The City requires clarification to ensure you receive the records you seek.

First, the City interprets your request as seeking all records pertaining to an audit conducted by the Washington State Auditor of the City. Please let us know if we have misinterpreted your request so that we can ensure that all records you seek are able to be located.

To expeditiously locate and provide you with the records you seek, please provide the following clarification:

- **Please identify which audit you reference in your request.** Since 2019, for example, the City was subject to three accountability audits and three financial audits. In addition, there is communication with the auditor that does not generate an audit report. Please confirm which audit you are interested in by title or date range so that the City can more expeditiously locate and provide you with the records you seek.

While awaiting this clarification and in the event no clarification is provided by you, the City will start its search for all responsive records pertaining to the most recent audit. The search will then continue in reverse chronological order.

Based on the breadth of this request *without clarification*, the City will utilize the following search parameters:

- Date range:
 - o Records created on or before March 1, 2021 (unless clarified, the search will commence with the three-year period prior to this date and will continue in reverse chronological order).
- Records:
 - o All hard-copy and electronic records, including but not limited to all documents, emails, typed/electronic notes, handwritten notes, correspondence, letters, phone call logs, meeting invitations, and voicemails.
 - o This will include all documents provided to and/or reviewed by the auditor as a component of the audit, including but not limited to financial records, contracts, meeting minutes, meeting recordings, and project files.

- Records custodians:
 - o All City Staff, Elected Officials, and Consultants involved in any way with the Audit.
- Search terms:
 - o All correspondence and records submitted to and/or reviewed by employees of the Washington State Auditor; and
 - o All correspondence records provided to the City, its employees, officials, and agents, from employees of the Washington State Auditor; and
 - o For electronic records (to be supplemented in the event additional terms are identified):
 - Audit
 - Auditor
 - Accountability and audit
 - Financial and audit
 - Audit and report

Please review this letter carefully and provide the clarification sought so we can ensure that the records sought are expeditiously located and provided. The City continues to pull the voluminous records consistent with the above interpretations.

Based on the breadth of this request *without clarification*, as well as the limited City resources and time necessary to review and evaluate the records, the City will need to provide the requested records in installments. We anticipate that the first installment will be ready on or before March 31, 2021, with the final installment on or before December 31, 2024.

If you have any questions regarding this request, please contact the undersigned.

REQUEST NO. 3: THE CASE OF THE DECEPTIVELY BROAD REQUEST

Record(s) Requested: 1.

Any records reflecting each of the lawsuits filed in Washington federal or state court from January 1, 2017 to June 1, 2023, that names as a defendant your agency and/or one or more officers employed by your agency.

2.

Any records reflecting the dispositions of each of the lawsuits identified in request #1, including (a) the amount paid in any settlement or judgment and (b) financial contributions to any settlement or judgment made by any individual defendant named in each lawsuit.

3.

Any records reflecting the total number of sworn officers employed by your agency and the number of officers who a) retired; b) resigned; or c) were terminated in any or all calendar or fiscal years from January 1, 2017 to December 31, 2023,

4.

Any records reflecting the terms of liability insurance coverage for your agency, including the cost of premiums and the deductible amount, in any or all calendar or fiscal years from January 1, 2017 to December 31, 2023.

INTERPRETATION AND CLARIFICATION STRATEGY

- **Divide and conquer:** Break the request into its component parts and identify what is missing or contradictory.
- **Analyze for clues:** Do the headings tell you anything useful? How about the structure of the request?
- **Utilize your resources:** Has anyone else received the same request and how was it handled?
- **Information or records:** Who is the requestor and what is their intent?
- **Clarify to limit the scope:** Will clarifying based on intent narrow the burden of the request?

SAMPLE CLARIFICATION LETTER

Dear Requestor:

On December 13, 2023, the City received your public records request for the following:

1. Any records reflecting each of the lawsuits filed in Washington federal or state court from January 1, 2017, to June 1, 2023, that names as a defendant your agency and/or one of more officers employed by your agency.
2. Any records reflecting the dispositions of each of the lawsuits identified in request #1, including (a) the amount paid in any settlement or judgement and (b) financial contributions to any settlement or judgement made by any individual defendant named in each lawsuit.
3. Any records reflecting the total number of sworn officers employed by your agency and the number of officers who a) retired; b) resigned; or c) were terminated in any or all calendar or fiscal years from January 1, 2017, to December 31, 2023.
4. Any records reflecting the terms of liability insurance coverage for your agency, including the cost of premiums and the deductible amount, in any or all calendar or fiscal years from January 1, 2017, to December 31, 2023.

Please note: under the Public Records Act, Ch. 42.56 RCW, a public records request must be for specific identifiable records in existence at the time your request was made. Pursuant to the Public Records Act, RCW 42.56, the City is not obligated to create a new record to satisfy a records request. Additionally, the City is not required to respond to questions, do research, or to give information that is not the subject of an identifiable public record.

The City requires clarification in order to ensure you receive the records you seek. Your request was titled as a "Police Public Records Request" and appears targeted to the Police Department. Accordingly, we have interpreted your request as seeking only records pertaining to the Police Department and its employees (and not other departments or employees of the City). If we have misinterpreted your request, please let us know so that the records you seek can be located.

First, as to Numbers 1 and 2 of your request, the City interprets your request as seeking to identify any and all lawsuits filed in Washington federal or state courts against the Police Department or one or more of its officers for claims arising in the scope of their employment with the Police Department (and not in their personal capacity), as well as information regarding the disposition of any such lawsuits (including the amount paid in settlement or judgment, and any financial contributions by any individual defendant named in each such lawsuit).

Although the City has no obligation to create a record in response to your request, the City notes the following in response to Numbers 1 and 2 of your request:

The litigation matters brought against or involving the Police Department or its employee(s) between January 1, 2017, and December 13, 2023 (the date of your request) is as follows:

1. Jones v. City, Cause No. 55-5555-55. This was a lawsuit for damages arising under the Washington State Public Records Act (PRA). Plaintiff alleged the City's Police Department failed to provide records in response to her request under the PRA.

The City has extensive records pertaining to the above matter, including all pleadings, related correspondence, and personnel related records. Many of these records contain material exempt from production under the Washington Public Records Act, including but not limited to attorney client privileged discussions and attorney work product. All documents will be reviewed for applicable exemptions and redacted accordingly. Based on the extensive record pertaining to these matters, as well as the limited resources and time to review and redact the records, the City will need to provide the requested records in installments. We anticipate that the first installment will be ready on or before March 1, 2024, with the final installment on or before December 31, 2024. **However, if the information provided in this letter fulfills your request and you no longer require records pertaining to these matters, please let us know so that we can close your request as fulfilled.**

Second, as to Number 3 of your request, the City interprets your request as seeking the number of employees who resigned, retired, or were terminated between January 1, 2017, and December 13, 2023. The City has not located one document that contains the number sought or all the information sought. Instead, the information sought is, in part, located on many electronic and hardcopy documents that contain a portion of the requested information. In the interest of expeditiously responding to your request, the City was able to compile the following:

From January 1, 2027, to December 13, 2023, X employees resigned from employment with the Police Department, X employees retired from employment with the Police Department, and X employees were terminated from employment with the Police Department.

Again, the City does not maintain a list of the data requested and notes the data requested is, in part, included in many records. **If the information provided in this letter fulfills your request and you no longer require records pertaining to the number of employees who retired, resigned, or were terminated in the timeframe stated, please let us know so that we can close your request as fulfilled.**

Third, as to Number 4 of your request, the City interprets your request as seeking a document that reflects the terms of liability insurance coverage the City has maintained from 2017 to 2023, and a list of the cost of premiums and the deductible amount for each year between 2017 and 2023 paid by the City. The City and its Police Department is a member of a risk pool, which is a municipal organization of Washington public entities that join for the purpose of providing liability and property financial protection to its members. Produced herewith is a copy of the City's policy documents evidencing the coverage and the terms of liability insurance coverage the City has maintained from 2017 to 2023.

As to the cost of premiums and deductible amounts paid from 2017 to 2023, the City has not located one document that contains the number sought or all the information sought. Instead, the information sought is, in part, located on many electronic and hardcopy documents that contain a portion of the requested information. In the interest of expeditiously responding to your request, the City was able to compile the following:

- In 2017, the City paid the following in premiums and deductible amounts: XXXX
- In 2018, the City paid the following in premiums and deductible amounts: XXXX
- In 2019, the City paid the following in premiums and deductible amounts: XXXX

- In 2020, the City paid the following in premiums and deductible amounts: XXXX
- In 2021, the City paid the following in premiums and deductible amounts: XXXX
- In 2022, the City paid the following in premiums and deductible amounts: XXXX
- In 2023, the City paid the following in premiums and deductible amounts: XXXX

Again, the City does not maintain a list of the data requested and notes the data requested is, in part, included in many records. **If the information provided in this letter fulfills your request and you no longer require records pertaining to the terms of insurance, and the premiums and deductible amounts paid, please let us know so that we can close your request as fulfilled.**

Please review this letter carefully and provide the clarification sought so we can ensure that the records sought are located and provided. The City continues to pull the voluminous records consistent with the above interpretations that contain a portion of the information requested. However, **if the information in this letter and enclosed records are sufficient for your needs, please let us know that you are withdrawing your request as fulfilled.**

Due to the breadth of this request and the number of records that contain a portion of the requested information, if you choose to move forward with this request the City estimates that an installment of responsive records will be available on or before March 1, 2024, with a final installment on December 31, 2024. If you have any questions regarding this notice, please contact the undersigned.

REQUEST NO. 4: THE CASE OF THE “HUH?” REQUEST

“I want all of the documents of the fraud being committed by the city mayor counsel and director and messages about the fraud and corruption and the financial evidence of the stealing and embezzlement by the pass and present staff and my freedoms being denied by the police and mayor”

INTERPRETATION AND CLARIFICATION STRATEGY

- **Is any portion a request for identifiable public records?** What is the risk if we deny?
 - Remember *Beal v. Seattle* – Is the requestor asking the City to “prove” something?
- **Divide and conquer:** Break the request into its component parts:

“I want all of the documents of the fraud being committed by the city mayor counsel and director and messages about the fraud and corruption and the financial evidence of the stealing and embezzlement by the pass and present staff and my freedoms being denied by the police and mayor”

FINAL THOUGHTS

- When in doubt, reach out!
 - MRSC - <https://mrsc.org/research-tools/ask-mrsc>
 - Local Government Public Records Consultation program - <https://www.atg.wa.gov/prc-consulting-program>
 - WAPRO
- Stay up-to-date with available tech and resources.
 - MRSC PRA & Records Management Technology Guide
 - Advanced AI technology (Redact, Contact, and Illuminate)
- Improve your search time and reduce the scope by adopting policies for timely destruction and archiving.
- Buy yourself time: Use hold notices and clarify until you reach clarity.
- Make sure everyone is trained on retention and searching.



QUESTIONS?

THANK YOU!

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