

Frequently Asked Questions Regarding Administrative Records of the Judicial Branch

This document attempts to answer frequently asked questions regarding the public's access to judicial branch agency administrative records. It is meant to be only a guide. For more details about public access to judicial branch records, please consult and review GR 31.1 www.spokanecounty.org/loaddoc.aspx?docid=11804 in its entirety.

Does the Public Records Act apply to the Judicial Branch?

Access to judicial records is governed by court rules and not the Public Records Act (PRA). There are two types of judicial records addressed by court rules: (1) "court (or case) records" (records filed with the court in a judicial proceeding that are usually maintained by the court clerk); and (2) "administrative records" (any record pertaining to the management, supervision or administration of the judicial branch).

Access to court/case records is governed by the following court General Rules (GR): [GR 31](#) (Access to Court Records) [GR 15](#) (Destruction, Sealing and Redaction of Court Records), and [GR 22](#) (Access to Family Law and Guardianship Court Records).

Access to judicial administrative records is governed by GR 31.1. The judicial branch is committed to openness, transparency, and the belief that the public should have access to most court records and administrative public records. These FAQ's address GR 31.1, access to judicial administrative records. For information regarding access to records contained in court case files (court or case records), please consult [GR 31](#). Instructions for requesting a court record are located at the following website <http://wdev/content.aspx?c=3246>

What is the purpose of Rule GR 31.1?

GR 31.1 ensures the public's right to access to judicial administrative records, clarifies the responsibilities of judicial agency officials with regard to providing access to these records, and assists in identifying exceptions to public access.

What judicial administrative records are available to the public?

Judicial administrative records in Washington State are generally accessible to the public. These records may be written or recorded information related to the management of the court or judicial branch agency, its business with the public, or the carrying out of its administrative functions. These records include copies of records made by, used by, or received by a court or judicial branch agency in connection with its administrative functions. Instructions for requesting administrative public records may be found at the following website <http://wdev/content.aspx?c=3246> or by contacting the Public Records Officer at

Public Records Officer
Spokane Superior Court Administrator

1116 West Broadway Ave.
Spokane, Washington 99260
Phone Number: (509)477-4400
Facsimile Number: (509)477-5714

Why are some records not available to the public?

State and federal law require judicial branch agencies and courts to keep some records confidential. Confidential records are not available to the public. Access to some records containing sensitive personal information is restricted by law to protect people's right to privacy and to protect them from possible harm or harassment. Records maintained or created by a judge or the judge's staff are called "chambers records" and are not subject to disclosure.

If a record is available to the public, why may portions of the record be blocked out (redacted)?

While most administrative records will be provided in their entirety, some records may contain sensitive or private information. This sensitive or private information may be removed or blocked out of a record. This is called "redaction." Examples of information that will be redacted include social security numbers, some financial information, home addresses, medical records and health care information. The requester will be notified when information has been redacted from a record along with the reason(s) for that redaction.

How long are administrative public records kept?

Administrative records are subject to a retention schedule. Most administrative records are retained for six years.

How do I request a record?

All requests to inspect or obtain administrative public records must be submitted in writing. Using the forms provided <http://wdev/content.aspx?c=3246> is not mandatory, but use of the form may make it easier to understand your request. Please send the completed form to the Public Records Officer (PRO) of the court or judicial branch agency that has the records you need. You must provide your legal name and your physical address when you submit the request.

If you need assistance to access administrative records because of a disability, please contact the PRO of the court or judicial branch agency where the administrative records are located. That contact information is:

Public Records Officer
Spokane Superior Court Administrator
1116 West Broadway Ave.
Spokane, Washington 99260
Phone Number: (509)477-4400
Facsimile Number: (509)477-5714

What is the process for responding to the request?

Within five days of receipt of your administrative records request, the PRO will confirm that your request was received and, when possible, will estimate the time it may take to locate and send the records to you. Although the judicial branch is not penalized if confirmation is not made within the five day period, every effort is made to ensure that receipt your request is promptly confirmed.

The court or judicial branch agency is not required to create a new public record to respond to your request if the request you submitted is for a record that does not exist. If the request is not specific enough to understand, or if the request is very broad and costly, we may call or write you for clarification so that we can avoid unnecessary expenses to you and to the court or judicial branch agency.

What if I disagree with a decision of the PRO?

If you are notified that the record you requested cannot be disclosed or that the record you received has been redacted and you disagree with the decision, you may seek review of the decision. GR 31.1(d). There are two separate review processes to follow, internal and the external review.

1. Internal review within court or agency. Each court and judicial branch agency has a method for review by the judicial branch agency's director, presiding judge, or judge designated by the presiding judge. The forms to request review are located <http://wdev/content.aspx?c=3246> and must be submitted within 90 days of the PRO decision. The review proceeding is informal and summary. In most situations, the review proceeding shall be held within five working days of the request.
2. External review. A record requester who disagrees with the court or judicial branch agency's decision may obtain further review by asking for an external review of the internal decision made by the court or judicial branch agency. Request for such review must be made within 30 days of the internal review decision of the court or judicial branch agency decision. The requester may choose between the two alternative external reviews.
 - a. Review via civil action in court; or
 - b. Informal review by visiting judge or other outside decision maker.

Can I view public administrative records in-person?

To view original or stored paper copies of administrative public records belonging to courts or judicial branch agencies at the court or judicial branch agency you will need to complete a [Records Request](#) form and submit it to the PRO at the agency or court indicating you wish to view the records in-person. You will then need to make an appointment with the PRO to view the records in-person at the court or judicial branch agency where the records are located. While there are no charges or fees associated with viewing administrative records, there may be costs associated with the research necessary to find these records. See GR 31.1(h)(4) and cost discussion below.

How can I get paper copies of records?

You will need to complete the Records Request form and note that you would prefer paper copies. There may be fees for copying the records or completing research related to your request, and you will be told in advance the total that will be due.

What is the cost for obtaining or viewing administrative records?

GR 31.1(h)(2) allows the court or judicial branch agency to recoup its cost for copying or scanning records. It states, "A fee may be charged for the photocopying or scanning of administrative records. If another court rule or statute specifies the amount of the fee for a particular type of record, that rule or statute shall control. Otherwise, the amount of the fee may not exceed the amount that is authorized in the Public Records Act, Chapter 42.56 RCW."

Also, if extensive research is required to respond to your request, you may be informed that there will be charges for the time involved and that taxes will apply to these research charges. GR 31.1(h)(4)

states, "A fee not to exceed \$30 per hour may be charged for research services required to fulfill a request taking longer than one hour. The fee shall be assessed from the second hour onward."

Costs for activities such as research, photocopying, scanning, and for materials such as CDs and USB drives are determined by the agency or court where the records are stored. Sales tax will be added to the total you owe, as well as the cost for mailing materials to you.

What happens if I do not pay for the records I receive?

Depending on the size and complexity of the request, you may need to pay the research and/or copying costs before the records are given to you. Other times you will be invoiced after delivery of the requested records. If you do not pay the amount due for records you have received, you will not be able to obtain additional records until that debt is paid.

Does the public records officer keep track of requests administrative public records?

Public records officers maintain a log of the requests they receive and the manner the requests were filled.

Is the court or judicial branch agency responsible for what happens when other people use information they received from an administrative public record?

The court or judicial branch agency cannot control the use of information it provides to the public, so the court or judicial branch agency cannot be responsible for problems that result. However, the court or judicial branch agency will not provide any administrative record if it determines that: the request was made to harass or intimidate the court or judicial agency or its employees; fulfilling the request would likely threaten the security of the court or judicial agency; fulfilling the request would likely threaten the safety or security of judicial officers, staff, family members of judicial officers or staff, or any other person; or fulfilling the request may assist criminal activity. GR 31.1(c)(7)