



CASE REPORT

PUBLIC RECORDS ACT - CALCULATING THE NUMBER OF REQUESTS RECEIVED - STATUTE OF LIMITATIONS. Courts will consider each written request for records under the Public Records Act (PRA) as a single request, even if that written request seeks multiple categories of records. *Greenhalgh v. State Dep't of Corrections*, No. 42052-0-II, Division II Court of Appeals (Aug. 14, 2012).

I. Facts. Greenhalgh submitted two public records requests to the Department of Corrections (DOC). The first request asked for any and all records explaining how the DOC determined its copying charge of \$0.20 per page for public records requests and \$0.10 for inmate legal pleadings. On March 29, 2007, the DOC produced some documents and provided an exemption log denying disclosure of attorney-client privileged documents responsive to the request. Approximately two weeks later, Greenhalgh submitted another request for the DOC's formulas used in determining its copying fees for both public records requests and inmate legal pleadings. On April 23, 2007, the DOC informed Greenhalgh that it did not have any records responsive to his request for formularies on the \$0.20 charge for public records requests, but provided an exemption log for attorney-client privileged documents relating to the formula for calculating legal inmate pleadings. Greenhalgh elected to file an administrative appeal of both decisions, which were denied by the administrator on August 29, 2007. On May 1, 2008, eight months after the administrator denied Greenhalgh's administrative appeal but more than one year after the DOC claimed exemptions, Greenhalgh filed suit in superior court for alleged PRA violations. The trial court dismissed Greenhalgh's claims based upon the one-year statute of limitations.

II. Applicable Law and Analysis. The Court of Appeals affirmed the trial court's decision that Greenhalgh's claims were time-barred by the PRA's one-year statute of limitations. In an attempt to avoid this result, Greenhalgh argued that he had in fact made four distinct PRA requests and that the DOC failed to claim an exemption for the DOC's formula fixing its public records copying costs at \$0.20 per page (the DOC had instead claimed that no such documents existed). Therefore, Greenhalgh believed that the one-year statute of limitations had not been triggered on his request for the DOC's formula fixing its PRA copying charges.¹

The Court of Appeals rejected this argument, instead holding that it considers each written request for records under the PRA as a single request, even if that written request seeks multiple categories of records. Therefore, the court announced that a requestor makes a single records

¹ The PRA's one-year statute of limitations is triggered by either of two occurrences: (1) the agency's claim of an exemption, or (2) the agency's last production of a record on a partial or installment basis. *Tobin v. Worden*, 156 Wn. App. 507 (2010); RCW 42.56.550(6).

request if he or she sends a single letter to an agency requesting multiple categories of documents. Accordingly, the court concluded that Greenhalgh had made two, rather than four, PRA requests. In this case, construing Greenhalgh's request for the formulas associated with PRA and inmate legal pleading copying charges as a single request was dispositive because the DOC had claimed an exemption for a portion of that request, thereby triggering the statute of limitations.

Greenhalgh also argued that the DOC should be prohibited from asserting its statute of limitations defense because administrative code provisions and internal DOC policies stated that the one-year statute of limitations was triggered two business days after his administrative appeal was denied. The court also rejected this argument, reasoning that because the administrative appeal was optional, it did not change the legal effect of the PRA's mandatory statute of limitations.

III. Conclusion. As demonstrated by this case, whether a public records request is construed as a single request or multiple requests may be significant in determining when the applicable statute of limitations period begins to run. The court provided some examples of the rule that a single records request is received if the requestor sends a single letter to an agency requesting multiple categories of documents. For example, if a request was made for all documents in a building permit file and for all e-mails relating to the permit in a single letter, the court would treat it as a single request. In contrast, the court would treat separate letters requesting documents as separate requests requiring distinct responses and exemption logs, even if the letters were submitted on the same date. Please do not hesitate to contact your city attorney with further questions regarding the Public Records Act.