



### Overview

The Public Records Act (PRA) requires all state and local agencies to make, with some specific exemptions, all public records they retain available to the public. The public disclosure guidelines and resources that follow contain the Standard Operating Procedures (SOPs) designed to assist Residential Care Services (RCS) staff with the public disclosure process and to help facilitate PRA adherence.

RCS Public Disclosure, Discovery, and Central Files (PDD) unit is responsible for maintaining the public facility locator websites displaying long-term care facilities' regulatory compliance documents, addressing records requests from the public, Attorney General's Office, interagency requests, discovery, subpoenas, attorneys, and other state agencies. The PDD unit also manages the maintenance, retention, and disposition of RCS' public records.

### Authority:

- [45 CFR § Parts 160, 162, and 164](#) (HITECH Act), HIPAA Privacy Rules
- [Chapter 42.56 RCW](#) – Public Records Act
- [RCW 74.42.430](#) – Written Policy Guidelines
- [WAC 365-18-100](#) – Ombuds Record Access
- [DSHS Administrative Policy 2.07](#) – Office of Communications Policy
- [DSHS Administrative Policy 5.02](#) – Public Records Requests
- [DSHS Record Retention Schedules by Unit](#)

These procedures are not covered by [DSHS Administrative Policies](#) as they are specific to RCS. These procedures will be reviewed for compliance and accuracy at least every five years.

### Contacts

- [RCS Policy Unit General Contact](#) (**internal** RCS use)
- [RCSPolicy@dshs.wa.gov](mailto:RCSPolicy@dshs.wa.gov) (**external** RCS use)
- [RCS Quality Improvement Unit General Contact](#)



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# Part I: Requests for Records, Information: RCS Staff

## Overview

This chapter contains the Standard Operating Procedures (SOPs) that RCS staff who work outside of the PDD unit are required to follow when receiving record and information requests.

## Supervisor Responsibilities

1. Train new staff and ensure they can demonstrate they understand the procedure.
2. Conduct periodic reviews of this procedure to ensure staff are following it correctly.

## A. Request for Records

### Procedure

1. All records requests received by RCS staff outside the PDD unit should be emailed to the PDD unit at [PDD@dshs.wa.gov](mailto:PDD@dshs.wa.gov) immediately upon receipt. By law, a requester must be responded to within five working (business) days of their request. This is five working days (WD) from receipt of the request by the Department of Social and Health Services (DSHS), not from when PDD receives the request. For this reason, the immediate forwarding of any records requests to PDD is of utmost importance.
2. Requests for records may be made to RCS in any format, including by phone, in hardcopy, in person, or by email.
3. If you receive a request in hardcopy, scan the request, and email [PDD](#). The original hard copy of the request should be sent via campus mail to MS: 45600 (PDD Unit).
4. If a request is received verbally, make sure you note the requestor's full name and contact information (email and phone number preferred, but physical address is also acceptable). Also note the type(s) of records being requested and as many relevant names, dates, locations, facility license numbers, and/or intake numbers as possible. Email this information to PDD, reviewing the accuracy of the information you are providing.
5. All RCS staff must assist in the production of records for a record request. When records are requested from an RCS Office/Unit, it is the responsibility of the point of contact to share the request with anyone who may have responsive records so that all staff in that Office/Unit are able to individually conduct a reasonable and thorough search. Records should be searched for by type, content, and subject matter.
  - a. RCS is required to provide the "minimum necessary" responsive records to a requester. Therefore, if only specific portions of a record are responsive, staff must identify those portions of the record that are responsive when responding to the PDD staff. When responding to PDD Staff, the Office/Unit point of contact must identify what records (or portions of records) are responsive to the request such as Electronic Working Papers (E-WP), text messages, Statement of Deficiency, Plan of Correction/Attestation, Room Lists, Floor Plans, Disclosure of Services, etc.

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- b. Records must be confirmed as complete and accurate by Office/Unit staff before responding to PDD staff that the records can be found in and exported from Perceptive Content.
  - c. All staff must track their time spent searching and the locations searched (such as boxes sent to the State Records Center, shared drives/folders, filing cabinets, electronic devices, voicemails, TEAMS, texts, One-Drive, and SharePoint). When responding to PDD, include all staff time spent working on the request.
6. Employees have no privacy interest in public records created within the scope of their employment. All records in RCS are public records and must be made available to the public when requested.
7. RCS staff are responsible for searching and producing any data or records that may be stored on their state-issued electronic devices (and/or personal electronic devices, if used in the course of business). If no responsive public records exist, then an affidavit to that effect may be requested.
9. Responsive records must be transferred to PDD staff by using the following shared folder: [RCS Records Request Transfer\RCS-PD-Field](#). The PDD staff do not have access to SharePoint sites or local shared drives.
  - a. Records must be confirmed as complete and accurate by Office/Unit staff before responding to PDD staff that the records can be found in and exported from the shared folder.

Note: If a unit Administrative Assistant (AA) does not have permissions to the [RCS Records Request Transfer\RCS-PD-Field](#) folder they will email [PDD@dshs.wa.gov](mailto:PDD@dshs.wa.gov) to request access. Include your name and position title, folder name, and reason for access.

10. If the field receives a request for a different appointing authority, such as other divisions in Aging and Long-Term Services Administration (ALTSA), those requests need to be forwarded to the [PDD@dshs.wa.gov](mailto:PDD@dshs.wa.gov). The PDD unit will record receipt of the records request and forward the request to the PD staff in those divisions.
11. All record requests received, including from other DSHS divisions/administrations, law enforcement, advocacy groups, legislative members, media, unions, or federal or state agencies are responded to directly by the RCS Public Disclosure, Discovery, and Central Files (PDD) unit.
  - a. All record requests from these entities must be forwarded to [PDD@dshs.wa.gov](mailto:PDD@dshs.wa.gov) immediately upon receipt.



## B. Requests for Information

In this section, “information” refers to collected facts or data about a specific topic that is not subject to state or federal disclosure laws. Requests for information differ from public disclosure requests in that the requested information is available without legal authority being required. Additionally, it does not provide access to public records.

Examples of information requests may be RCS publications, manuals, and licensing information (e.g., effective date of license, name of provider, location of facility, contracted services, license numbers, number of facilities, etc.).

### Procedure

1. RCS staff should respond to all information requests as courteously and in as timely a manner as possible.
2. If RCS staff receive a request for information that meets the definition of “request for information,” the request should *not* be forwarded to the PDD Unit, but to the relevant Subject Matter Expert (SME).

Example: requests for information on facility enforcement actions would be directed to the Compliance and Enforcement Unit.

3. Requests for information about a facility/provider: The Regional Administrator (RA), Field Manager (FM), or designee will call the requestor and verbally provide the factual regulatory compliance information. It is not necessary to retain and/or document the request or the response.
4. If you are unsure whether providing information will violate any privacy or confidentiality laws, please contact the RCS Public Disclosure Program Manager at [PDD@dshs.wa.gov](mailto:PDD@dshs.wa.gov) for guidance.



# Part II: Requests for Records, Information: PDD Staff

## Overview

This section applies to RCS Public Disclosure, Discovery, and Central Files Unit (PDD Unit).

## Procedure

1. Determine which public records are being sought. Clarify with the requester, if necessary. Always confirm your understanding of the disclosure request with the requester.
2. Within five business days of DSHS's receipt of a public records request (the day of receipt is Day 0), DSHS must respond in one of the following ways:
  - a. Produce responsive public records;
  - b. Acknowledge receipt of the request and provide an estimated date for first response;
  - c. Provide an internet address and link to the specific records requested;
  - d. Seek clarification of an unclear request; or
  - e. Provide documentation of no records.
3. Document and track all records requests in the DSHS Agency Records Request Tracking System (ARRTS).
4. With narrow exemptions ([Public Records Act - Exemptions](#)), RCS is legally obligated to produce all existing, responsive, and identifiable public records.
5. RCS is not required to create new documents in response to a records request.
6. Redact or withhold only information that is exempt from public disclosure under [RCW 42.56.210\(2\)](#) and [WAC 388-01-120](#).
7. When providing responsive records, bates number and clearly identify the records.
8. Give internal appeal rights and proper closure language when closing to a records request.



### Part III: Requests from the Attorney General's Office

#### Overview

This section contains the SOP that all RCS staff are required to follow. The Attorney General's Office (AGO) has been assigned to advise and defend RCS, and therefore, all documents provided to them should be free of redactions.

#### Procedure

1. Requests from the Attorney General's Office
  - a. All requests from the AGO, including requests regarding Administrative Appeal records, are responded to directly by the RCS Public Disclosure, Discovery, and Central Files (PDD) unit.
  - b. All requests from the AGO must be forwarded to [PDD@dshs.wa.gov](mailto:PDD@dshs.wa.gov) immediately upon receipt.

#### Supervisor Responsibilities

1. Train new staff and ensure they can demonstrate they understand the procedure.
2. Conduct periodic reviews of this procedure to ensure staff are following it correctly.



### Part IV: Appendices

#### A. Glossary of Terms

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**Access control** – A data security process that enables organizations to manage who is authorized to access data and resources.

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**Agency** – State agency.

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**Attestation** – A witnessed declaration executing an instrument in his or her presence according to the formalities required by law.

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**Confidential information** – A type of information that is protected by state or federal laws, including information about vulnerable adults, DSHS clients, employees, vendors or contractors, and agency systems unavailable to the public without legal authority.

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**Community programs** – includes Adult Family Homes (AFH), Assisted Living Facilities (ALF), Certified Community Residential Services and Supports (CCRSS), and Enhanced Services Facilities (ESF).

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**Cover letter** – A cover letter is the document used in Community Programs to communicate the determination of noncompliance with the regulatory requirements to the entity. The cover letter is an official, legal record that is available to the public on request.

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**Department** – This term refers to the Washington state Department of Social and Health Services (DSHS).

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**Destroy/destruction** – means the permanent deletion of a digital or physical record to make it unintelligible or inaccessible.

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**eFax** – is the use of the internet and email to send a fax (facsimile), rather than using a standard telephone connection and a fax machine.

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**Electronically stored information (ESI)** – DSHS records stored in an electronic format. Requires hardware and software to be accessed and read (e.g., spreadsheets, databases, images, video recordings). Also known as electronic records.

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**Federal programs** – This includes Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) and Nursing Homes (NH).

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**Folder** – A type of aggregation or container within a file system used to store related records and folders.

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**Plan of correction (POC)** – means an entity's written response to cited deficiencies that explains how it will correct the deficiencies and how it will prevent their reoccurrence.

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**Proof of service** – means notification sent to a provider by way of a declaration of personal service; an affidavit or certificate of mailing; a signed receipt from the person who accepted the certified mail or package delivery; or proof of fax transmission. Any of these methods confirms that notice was sent to a provider when the State is going to take action related to that provider. WAC requires notice be served for the following communications: Written Consultation, Statements of Deficiency, and Enforcement Letters.

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**Provider** – a) any individual or entity that provides services to DSHS clients, OR b) a person, group, or facility that provides services to DSHS clients. RCS providers include Adult Family Homes, Assisted Living Facilities, Certified Community Residential Services and Supports, Enhanced Services Facilities, Intermediate Care Facilities for Individuals with Intellectual Disabilities and Nursing Homes.

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**Record** – any document or recorded information regardless of physical form or characteristics created, sent, organized, or received by the agency in the course of public business.

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**Record management** – the practice of formally managing records in a file system (electronic or paper) including classifying, capturing, storing, and disposal.

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**Records retention** – The required minimum amount of time a records series must be retained to meet legal, fiscal, administrative, or historical value as listed on an approved records retention schedule or general records retention schedule.

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**Records retention schedule** – a legal document approved by the state or local records committee that specifies minimum retention periods for a records series and gives agencies ongoing disposition authority for the records series after the records' approved retention period has been satisfied.

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**Revised Code of Washington (RCW)** – The compilation of all permanent laws now in force. It is a collection of Session Laws (enacted by the Legislature, and signed by the Governor, or enacted via the initiative process), arranged by topic, with amendments added and repealed laws removed. It does not include temporary laws such as appropriation acts.

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**Secure fax location** – (as defined by the Washington State Patrol [WSP]) a location accessible only to designated employees responsible to handle and process authorization forms and information related to background checks.

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**Shared drive** – A specialization of an operating system file system, comprising of a shared device (e.g. server space) used by multiple users and accessed over either a local area network or a wider area network connection.

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**Shared file** – an electronic record (e.g., spreadsheets, word documents, images) with permissions granting additional users to access the record.

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**Shared folder** – a container within a file system with permissions granting additional users to access the contents held within.

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**State agency (SA)** – A permanent or semi-permanent organization in government that is responsible for the oversight and administration of specific functions.

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**Statement of deficiencies (SOD)** – The official, publicly-disclosable, written report document from RCS staff that identifies violations of statute(s) and/or regulation(s), failed facility practice(s) and relevant findings found during a complaint/incident investigation conducted at an any setting regulated by RCS. Included in SODs for AFHs, ALFs, and ESFs is an attestation statement the entity signs and dates indicating the projected correction date for the cited deficient practice. The SOD is a legal document available to the public on request.

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**Transitory records** – records that can be destroyed when no longer needed for agency business. A transitory record does not require memorializing on a destruction log. Examples include copies of blank forms or publications, duplicate copies, working notes that have been written up into a formal record.

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**Washington Administrative Code (WAC)** – Regulations of executive branch agencies issued by authority of statutes. Similar to legislation and the Constitution, regulations are a source of primary law in Washington State. The WAC codifies the regulations arranging them by subject or agency.

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**Working days (business days)** – defined as Monday through Friday, excluding federal and state holidays.

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### B. Acronym List

AA	Administrative Assistant
AAG	Assistant Attorney General
ALTSA	Aging and Long-Term Support Administration
ARRTS	Agency Records Request Tracking System
DSHS	Department of Social and Health Services
EWP	Electronic Working Papers
FM	Field Manager
HIPAA	Health Insurance Portability and Accountability Act
PC	Perceptive Content
PDD	Public Disclosure and Discovery
PRA	Public Records Act
RA	Regional Administrator
RCS	Residential Care Services
RCW	Revised Code of Washington
RMT	Records Management Tool
SME	Subject Matter Expert
SOD	Statement of Deficiency
SOP	Standard Operating Procedures
WAC	Washington Administrative Code
WD	Working Day

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### C. Change Log

Eff. Date	Chapter/ Section #	Description of Change	Reason for Change	Communication and Training Plan
01/17/2025	Entire Chapter	Formatting updates	Comply with new DSHS branding	N/A
05/21/2024	Part III ATG Requests	Guidance updated	Inform staff of current process	MB <a href="#">R24-046</a>
07/28/2023	Full Chapter	Updates to requirements, transition to new format	Updated Expectations	MB <a href="#">R23-065</a>
09/20/2019	Full Chapter	Establishment of chapter	Establishment of chapter	MB <a href="#">R19-069</a>

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