

Man wants public records on disk, not paper

TUESDAY, JUNE 13, 2006

By Richard Roesler
Staff writer

OLYMPIA – In an unusual public-records case, a Washington man is suing the state Department of Corrections for failing to comply with his request for a large amount of personnel data.

It's not that the information is secret. It's that Douglas Moore wants the information electronically, not on paper as the agency prefers. The seasonal state worker is trying to compile a database to bolster his case for insurance coverage.

But instead of copying the information onto a 30-cent disk, the Department of Corrections is insisting that Moore pay 15 cents a page for the agency to print out 38,100 pages.

The resulting 13-foot stack of paper, the agency estimates, would cost Moore about \$5,715.

"They want to make it impossible to use these (copies) and too costly to get them," said one of Moore's attorneys, Stephen Strong. "You can't use a database on paper."

A spokesman for the department said it can choose how to provide the data.

"In general, we do make every effort to comply with all the legal requirements of the Public Disclosure Act," spokesman Gary Larson said. "We do not believe the law requires documents to be provided in any particular format."

In most cases, Corrections' public disclosure coordinator Dawn Deck wrote to Moore's lawyers, "It is the department's policy and practice to make its records available in hard copy format."

Moore doesn't work for the Department of Corrections. He's an employee of the state Horse Racing Commission, a tiny agency that regulates racing.

For years, Moore has worked nine months a year for the commission, which paid for his health insurance year-round. In 2004, he was reclassified as a "seasonal employee," which cut his health insurance during the three months he's not working.

Moore is challenging that decision, saying other state agencies offer year-round coverage to people who work significantly less than he does. To prove that point, he is compiling a database of workers, hours and health coverage.

Of the eight to 10 state agencies contacted so far, Strong said, all have turned over the data electronically at a cost of between \$1 and \$5. Among them: Central Washington University, the Department of Social and Health Services, the Department of Transportation and the Department of Personnel.

The state's 33-year-old Public Disclosure Act includes electronic data, including "magnetic or punched cards, discs, drums, diskettes, sound recordings and ... existing data compilations ..."

In this case, Larson said, it's unclear whether the Corrections Department has the electronic data Moore seeks.

Strong disputes that, saying that the pay and benefits data exist "only in electronic form." By insisting on paper copies, he said, the agency is trying to render the information useless for the sort of analysis Moore wants to do.

The lawsuit asks a Thurston County judge to fine the Department of Corrections \$100 a day since last November and to make the agency pay Moore's attorneys' fees in the public-records fight.