****

P.O. BOX 70859 | SEATTLE, WA 98127 | PHONE (206) 799-2797

November 4, 2016

Department of Corrections

Public Records Officer

P.O. Box 41118

Olympia, WA 98504-1118

***By Email and United States Mail***

RE: Public Disclosure Act Request for Medical and Disciplinary Records of

Joe Smith DOC#XXXXXX

Dear Sir or Madam:

Pursuant to the Public Records Act, RCW 42.56, the Law Office of Jennifer Horwitz, PLLC, hereby requests copies of:

1) Any and all medical records in your possession relating to Joe Smith (DOC#XXXXXX) (DOB:XXX);

2) Any and all disciplinary/Department of Corrections infraction history for Joe Smith (DOC#XXXXXX).

I have provided with this letter a HIPPA-compliant medical release signed by Mr. Smith as well as a signed authorization for disclosure of Mr. Griffin's disciplinary file to me.

If it is possible to provide this records in electronic format, either by email or by sending them on a disc of flash drive. Any emailed documents may be sent to: jennifer@jenniferhorwitzlaw.com. Records that are sent by mail may be sent to the P.O. Box address at the top of this letter. You may also reach me by phone at: (206) 799-2797.

Agencies refusing to disclose records upon a PRA request “shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record.”  RCW 42.56.210 (emphasis added).  In addition, agencies refusing to disclose records must include a list of records withheld.  As stated by the Washington Supreme Court in *PAWS v. University of Washington*, 125 Wn.2d 243, 884 P.2d 592 (1994):

Silent withholding would allow an agency to retain a record or portion without providing the required link to a specific exemption, and without providing the required explanation of how the exemption applies to the specific record withheld.  The Public Records Act does not allow silent withholding of entire documents or records, any more than it allows silent editing of documents or records.  Failure to reveal that some records have been withheld in their entirety gives requesters the misleading impression that all documents relevant to the request have been disclosed.  Moreover, without a specific identification of each individual record withheld in its entirety, the reviewing court’s ability to conduct the statutorily required de novo review is vitiated.

If you refuse to produce for inspection and/or copying any record or any part of a public record, then, for each record or portion of a record which you refuse to produce for inspection and/or copying, please provide me with the following information:

(1)                 A list of the records in your possession that are pertinent to the above records request, as required by the Washington Supreme Court in the *PAWS* decision;

(2)                 A statement of the specific exemption you have relied upon in withholding the record or part thereof, and;

(3)                 An explanation of how the exemption you have cited applies to the record or part thereof, as required by RCW 42.56.210.

Please advise me of the costs of reproduction of these documents pursuant to RCW 42.56 and I will promptly remit that amount.

Thank you for your assistance in this matter, and please feel free to contact me if you have any questions.

Sincerely,

Jennifer Horwitz

cc: Joe Smith