

Bond Case Briefs

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Nissen v. Pierce County

Supreme Court of Washington, En Banc - August 27, 2015 - P.3d - 2015 WL 5076297

Sheriff's detective brought action under Public Records Act (PRA) against county and county prosecutor's office, seeking disclosure of call logs from prosecutor's personal cellular telephone and text messages. The Superior Court granted defendants' motion to dismiss. Defendant appealed. The Court of Appeals reversed and remanded. Defendants filed petitions for review.

The Supreme Court of Washington, en banc, held that:

- Record prepared, owned, used, or retained by agency employee in the scope of employment was "prepared, owned, used, or retained by a state or local agency," under PRA;
- Records an agency employee prepares, owns, uses, or retains on a private cellular telephone within the scope of employment can be a "public record";
- Call and text message logs prepared and retained by telephone company with respect to county employee's private cellular telephone were not "public records" of the county;
- Content of work-related text messages sent and received by county prosecutor were "public records," and
- Public employees are responsible for self-segregating private and public records contained on their private devices.