

HOUSE BILL REPORT

HB 1042

As Reported By House Committee On:

State Government

Title: An act relating to state agency and local government-owned software.

Brief Description: Exempting certain computer software from public inspection.

Sponsors: Representatives Dunn, Wolfe and Romero; by request of Department of Information Services.

Brief History:

Committee Activity:

State Government: 1/27/99, 2/9/99 [DP].

Brief Summary of Bill

- Agency computer software is added as an exemption from public disclosure requirements.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 8 members: Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and Schmidt.

Staff: Scott MacColl (786-7106).

Background:

The Open Public Records Act is part of the public disclosure law, makes all public documents open to public inspection and copying unless included within a statutory exemption.

Among other exemptions, valuable formulae, designs, drawings, and research data obtained by an agency are expressly exempt from public disclosure and copying for five years when the request for disclosure would produce private gain and public loss. Computer software is not specifically exempted in the current statute.

Summary of Bill:

A new exemption is added to the public disclosure requirements.

An agency's computer software is specifically exempted from public inspection and copying within five years of the request for disclosure when disclosure would produce private gain and public loss. The exemption applies to computer source code or object code, which are the main components of a computer software program.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Current law is unclear whether government developed computer software is a "public document" subject to release or not. If not, there is nothing to prevent someone from requesting a copy and selling or licensing it without having to contribute research and development costs. Potential private investors for software development with state agencies want assurance that their work will have adequate intellectual property protection. This information is proprietary, and therefore should be protected as long as citizens have access to non-proprietary computer software.

Testimony Against: None.

Testified: Erika Lim, Department of Information Services; and Rowland Thompson, Allied Daily Newspaper.