
SUBSTITUTE SENATE BILL 5869

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senators Kline, Fairley, Franklin and Keiser)

READ FIRST TIME 02/22/07.

1 AN ACT Relating to the collection of personally identifiable
2 information by state agencies; and amending RCW 43.105.020 and
3 43.105.052.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 43.105.020 and 2003 c 18 s 2 are each amended to read
6 as follows:

7 As used in this chapter, unless the context indicates otherwise,
8 the following definitions shall apply:

- 9 (1) "Department" means the department of information services;
10 (2) "Board" means the information services board;
11 (3) "Committee" means the state interoperability executive
12 committee;
13 (4) "Local governments" includes all municipal and quasi municipal
14 corporations and political subdivisions, and all agencies of such
15 corporations and subdivisions authorized to contract separately;
16 (5) "Director" means the director of the department;
17 (6) "Purchased services" means services provided by a vendor to
18 accomplish routine, continuing, and necessary functions. This term
19 includes, but is not limited to, services acquired for equipment

1 maintenance and repair, operation of a physical plant, security,
2 computer hardware and software installation and maintenance,
3 telecommunications installation and maintenance, data entry, keypunch
4 services, programming services, and computer time-sharing;

5 (7) "Backbone network" means the shared high-density portions of
6 the state's telecommunications transmission facilities. It includes
7 specially conditioned high-speed communications carrier lines,
8 multiplexors, switches associated with such communications lines, and
9 any equipment and software components necessary for management and
10 control of the backbone network;

11 (8) "Telecommunications" means the transmission of information by
12 wire, radio, optical cable, electromagnetic, or other means;

13 (9) "Information" includes, but is not limited to, data, text,
14 voice, and video;

15 (10) "Information processing" means the electronic capture,
16 collection, storage, manipulation, transmission, retrieval, and
17 presentation of information in the form of data, text, voice, or image
18 and includes telecommunications and office automation functions;

19 (11) "Information services" means data processing,
20 telecommunications, office automation, and computerized information
21 systems;

22 (12) "Equipment" means the machines, devices, and transmission
23 facilities used in information processing, such as computers, word
24 processors, terminals, telephones, wireless communications system
25 facilities, cables, and any physical facility necessary for the
26 operation of such equipment;

27 (13) "Information technology portfolio" or "portfolio" means a
28 strategic management process documenting relationships between agency
29 missions and information technology and telecommunications investments;

30 (14) "Oversight" means a process of comprehensive risk analysis and
31 management designed to ensure optimum use of information technology
32 resources and telecommunications;

33 (15) "Personally identifiable information" means information that
34 can be associated with a particular natural person through one or more
35 identifiers or other information;

36 (16) "Official public business" means any legally authorized
37 transaction or communication between a state agency and federal

1 government, another state agency, tribes, or local governments, or
2 between a state agency, tribe, or local government and a private person
3 or entity;

4 (17) "Proprietary software" means that software offered for sale or
5 license;

6 ~~((16))~~ (18) "Video telecommunications" means the electronic
7 interconnection of two or more sites for the purpose of transmitting
8 and/or receiving visual and associated audio information. Video
9 telecommunications shall not include existing public television
10 broadcast stations as currently designated by the department of
11 community, trade, and economic development under chapter 43.330 RCW;

12 ~~((17))~~ (19) "K-20 educational network board" or "K-20 board"
13 means the K-20 educational network board created in RCW 43.105.800;

14 ~~((18))~~ (20) "K-20 network technical steering committee" or
15 "committee" means the K-20 network technical steering committee created
16 in RCW 43.105.810;

17 ~~((19))~~ (21) "K-20 network" means the network established in RCW
18 43.105.820;

19 ~~((20))~~ (22) "Educational sectors" means those institutions of
20 higher education, school districts, and educational service districts
21 that use the network for distance education, data transmission, and
22 other uses permitted by the K-20 board.

23 **Sec. 2.** RCW 43.105.052 and 2000 c 180 s 1 are each amended to read
24 as follows:

25 The department shall:

26 (1) Perform all duties and responsibilities the board delegates to
27 the department, including but not limited to:

28 (a) The review of agency information technology portfolios and
29 related requests; and

30 (b) Implementation of statewide and interagency policies,
31 standards, and guidelines;

32 (2) Make available information services to state agencies and local
33 governments and public benefit nonprofit corporations on a full cost-
34 recovery basis. For the purposes of this section "public benefit
35 nonprofit corporation" means a public benefit nonprofit corporation as
36 defined in RCW 24.03.005 that is receiving local, state, or federal

1 funds either directly or through a public agency other than an Indian
2 tribe or political subdivision of another state. These services may
3 include, but are not limited to:

4 (a) Telecommunications services for voice, data, and video;

5 (b) Mainframe computing services;

6 (c) Support for departmental and microcomputer evaluation,
7 installation, and use;

8 (d) Equipment acquisition assistance, including leasing, brokering,
9 and establishing master contracts;

10 (e) Facilities management services for information technology
11 equipment, equipment repair, and maintenance service;

12 (f) Negotiation with local cable companies and local governments to
13 provide for connection to local cable services to allow for access to
14 these public and educational channels in the state;

15 (g) Office automation services;

16 (h) System development services; and

17 (i) Training.

18 These services are for discretionary use by customers and customers
19 may elect other alternatives for service if those alternatives are more
20 cost-effective or provide better service. Agencies may be required to
21 use the backbone network portions of the telecommunications services
22 during an initial start-up period not to exceed three years;

23 (3) Establish rates and fees for services provided by the
24 department to assure that the services component of the department is
25 self-supporting. A billing rate plan shall be developed for a two-year
26 period to coincide with the budgeting process. The rate plan shall be
27 subject to review at least annually by the customer advisory board.
28 The rate plan shall show the proposed rates by each cost center and
29 will show the components of the rate structure as mutually determined
30 by the department and the customer advisory board. The same rate
31 structure will apply to all user agencies of each cost center. The
32 rate plan and any adjustments to rates shall be approved by the office
33 of financial management. The services component shall not subsidize
34 the operations of the strategic planning and policy component;

35 (4) With the advice of the information services board and agencies,
36 develop a state strategic information technology plan and performance
37 reports as required under RCW 43.105.160;

1 (5) Develop plans for the department's achievement of statewide
2 goals and objectives set forth in the state strategic information
3 technology plan required under RCW 43.105.160. These plans shall
4 address such services as telecommunications, central and distributed
5 computing, local area networks, office automation, and end user
6 computing. The department shall seek the advice of the customer
7 advisory board and the board in the development of these plans;

8 (6) Under direction of the information services board and in
9 collaboration with the department of personnel, and other agencies as
10 may be appropriate, develop training plans and coordinate training
11 programs that are responsive to the needs of agencies;

12 (7) Identify opportunities for the effective use of information
13 services and coordinate appropriate responses to those opportunities;

14 (8) Assess agencies' projects, acquisitions, plans, information
15 technology portfolios, or overall information processing performance as
16 requested by the board, agencies, the director of financial management,
17 or the legislature. Agencies may be required to reimburse the
18 department for agency-requested reviews;

19 (9) Develop planning, budgeting, and expenditure reporting
20 requirements, in conjunction with the office of financial management,
21 for agencies to follow;

22 (10) Assist the office of financial management with budgetary and
23 policy review of agency plans for information services;

24 (11) Provide staff support from the strategic planning and policy
25 component to the board for:

26 (a) Meeting preparation, notices, and minutes;

27 (b) Promulgation of policies, standards, and guidelines adopted by
28 the board;

29 (c) Supervision of studies and reports requested by the board;

30 (d) Conducting reviews and assessments as directed by the board;

31 (12) Be the lead agency in coordinating video telecommunications
32 services for all state agencies and develop, pursuant to board
33 policies, standards and common specifications for leased and purchased
34 telecommunications equipment. The department shall not evaluate the
35 merits of school curriculum, higher education course offerings, or
36 other education and training programs proposed for transmission and/or
37 reception using video telecommunications resources. Nothing in this

1 section shall abrogate or abridge the legal responsibilities of
2 licensees of telecommunications facilities as licensed by the federal
3 communication commission on March 27, 1990; ((and))

4 (13) Create and maintain a registry of information systems
5 maintained by state agencies that contain personally identifiable
6 information. The registry need not include systems that contain
7 personally identifiable information pertaining solely to public
8 officials acting in their official capacity. The department may
9 require state agencies to provide information necessary to create and
10 maintain the registry. The registry shall contain at least the
11 following information about each information technology system used to
12 conduct official public business:

13 (a) The name of the agency responsible for the system;

14 (b) The name of the system;

15 (c) The number of records stored in the system;

16 (d) The United States Code, federal policy, Revised Code of
17 Washington, Washington Administrative Code, Washington state policy, or
18 other requirement, including citations, to collect the information
19 stored in the information technology system;

20 (e) The personally identifiable information stored in the system:

21 (i) Social security number;

22 (ii) Driver's license number;

23 (iii) Financial instrument information which includes account or
24 other trackable numbers;

25 (iv) Home address;

26 (v) Home phone number;

27 (vi) E-mail address;

28 (vii) Personal identification number;

29 (viii) Date of birth;

30 (ix) Unique biometric data;

31 (x) Bank account number;

32 (xi) Credit or debit card numbers; or

33 (xii) Any other information that can be used to access an
34 individual's financial accounts;

35 (f) The methods by which information is collected or updated;

36 (g) The retention schedule; and

37 (h) The number of system interfaces; and

1 (14) Perform all other matters and things necessary to carry out
2 the purposes and provisions of this chapter.

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