

WAC 308-93-770 Disclosure of Indian tribal vessel data. (1) **Who has access to tribal vessel data?** Indian tribes and tribal member vessel registration data will be stored in the department's computer system, which has twenty-four-hour availability. The department has procedures limiting access to civil or criminal law enforcement entities seeking information for law enforcement purposes. Unless ordered by a court of competent jurisdiction, no access by business persons or other private individual will be permitted unless the treaty fisher or tribe has authorized such release of information in writing. Release of information may be made to other persons or groups when specifically authorized in writing by all persons identified in the information to be released.

(2) **How is access to tribal vessel information obtained?** Access to Indian tribe vessel information must be available via a modem, or other suitable electronic format, to all state, tribal, federal, and foreign law enforcement agencies. Information available by computer will not be considered in the possession or control of any other entity. Online access is authorized between and among all parties' vessel registration information systems to permit state, tribal, and federal enforcement personnel to directly obtain vessel registration information from the various governments' vessel information systems, regarding treaty and nontreaty vessels. No altering of another party's information will be made without that party's consent.

(3) The state shall defend against any private entity's attempt to establish a legal right to obtain tribal registration data. The department must notify the affected tribe of any such private party's claim at the time the claim is made, and must keep the tribe informed as to the status of the matter.

[Statutory Authority: RCW 88.02.100. WSR 02-05-058, § 308-93-770, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. WSR 96-16-038, § 308-93-770, filed 8/1/96, effective 9/1/96.]