

SENATE BILL REPORT

SB 6650

As Reported By Senate Committee On:
Energy, Telecommunications & Utilities, February 1, 1996

Title: An act relating to state records.

Brief Description: Regulating state records.

Sponsors: Senators Finkbeiner, Hargrove, Loveland, Hochstatter, Strannigan, Zarelli, Swecker, Drew and Winsley.

Brief History:

Committee Activity: Energy, Telecommunications & Utilities: 1/30/96, 1/31/96, 2/1/96 [DPS].

SENATE COMMITTEE ON ENERGY, TELECOMMUNICATIONS & UTILITIES

Majority Report: That Substitute Senate Bill No. 6650 be substituted therefor, and the substitute bill do pass.

Signed by Senators Sutherland, Chair; Finkbeiner and Hochstatter.

Staff: Phil Moeller (786-7445)

Background: Each year, the different layers of government collect more information on the citizens of the state. Although this information has always had varying levels of accessibility, the speed and sophistication of modern computers and related sorting techniques allow for the ability of some personal information to be more readily and more quickly accessible than ever before. As data bases become more important in daily life, the negative implications of incorrect personal financial and other information are becoming more serious and far reaching.

Summary of Substitute Bill: In accordance with existing planning efforts, each state agency is directed to develop and maintain a strategic information resources management plan to protect privacy interests of individuals whose information is held by the agency, establish goals for improving agency performance in information resources, and evaluate information systems that deal with personal information.

Each state agency is required to report annually on the information it collects, including evaluating the need for the information, a description of the information, and the burden of collecting the information. Each agency is also directed to ensure that, after the effective date of the act, the information it collects displays a possible expiration date and contains a statement informing the person receiving the request for information the details on why the information is requested and how it will be used.

When disseminating information, each agency must provide notice to the public on adhering to its strategic information resources management plan. Each agency is subject to a range of prohibitions relating to the use of the information it gathers.

Upon a written request by an individual to examine or copy all or part of the information recorded on the individual, an agency must, within 15 working days, provide the information or inform the individual of the details or reasons why the information is unavailable. For purposes of accuracy or completeness, an individual may request in writing that an agency correct or amend its record of the individual's information. Timelines for correction and response are specified.

Disclosure of personal information by an employee of an agency is prohibited. Penalties are specified.

Substitute Bill Compared to Original Bill: The original bill did not reference current planning efforts related to the storage information resources management plan, did not limit the length of an individual's statement regarding the correction of personal information, and did not specifically apply prospectively to collected information.

Appropriation: None.

Fiscal Note: Requested on January 30, 1996.

Effective Date: The bill takes effect on July 1, 1996.

Testimony For: This bill is an attempt to focus on the privacy debate on what government does with the information it collects. It is a good foundation for continued policy development on protecting privacy.

Testimony Against: This legislation will create unnecessary burdens for state agencies. There are potential conflicts with other state policies regarding open records, and the penalty provisions will have chilling effects on the release of public information.

Testified: Senator Finkbeiner, prime sponsor (pro); Elizabeth Ward, Department of Health (pro); George Scott, State Archivist (con); Rowland Thompson, Allied Daily Newspapers (con).