
HOUSE BILL 2423

State of Washington

54th Legislature

1996 Regular Session

By Representatives Horn, Jacobsen, Patterson and B. Thomas

Read first time 01/10/96. Referred to Committee on Government Operations.

1 AN ACT Relating to public access to electronic public records;
2 amending RCW 43.105.170; amending 1995 2nd sp.s. c 18 s 614
3 (uncodified); adding a new chapter to Title 40 RCW; creating a new
4 section; and making an appropriation.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that creating public
7 records in electronic format allows public employees to more
8 effectively perform their duties and that providing the public greater
9 opportunities to access electronic public records, where appropriate,
10 benefits members of the public, academia, and the private sector.

11 It is the intent of the legislature to encourage state agencies and
12 local governments to develop, store, and manage their public records in
13 electronic format to meet their objectives. Further, it is the intent
14 of the legislature for state agencies and local governments to
15 determine, with due regard to privacy concerns, which electronic public
16 records should be made widely available to the public and, where
17 appropriate, to make these electronic public records widely available
18 to the public.

1 NEW SECTION. **Sec. 2.** DEFINITIONS. Unless the context requires
2 otherwise, the definitions in this section shall apply throughout this
3 chapter.

4 (1) "Local government" means every county, city, town, and every
5 other municipal or quasi-municipal corporation.

6 (2) "Public record" means as defined in RCW 42.17.020, and includes
7 legislative records and court records that are available for public
8 inspection.

9 (3) "State agency" includes every state office, department,
10 division, bureau, board, and commission of the state, the supreme
11 court, court of appeals, house of representatives, and senate, and each
12 state elected official who is a member of the executive department.

13 NEW SECTION. **Sec. 3.** PLANNING FOR INCREASED PUBLIC ELECTRONIC
14 ACCESS. The legislature encourages state agencies and local
15 governments to create public records in electronic format and, where
16 appropriate, to make electronic public records widely available to the
17 public. When considering which electronic public records should be
18 widely available to the public, state agencies and local governments
19 should consider their missions or goals, the public demand for
20 electronic access, the appropriateness of making certain electronic
21 public records widely available to the public, and privacy
22 considerations.

23 In planning for and implementing wide public access to electronic
24 public records, state agencies and local governments should:

25 (1) Plan for electronic public access when redesigning and
26 rebuilding information systems;

27 (2) Focus on providing electronic access to current information,
28 leaving archival material to be made available digitally only as
29 resources allow or as a need arises;

30 (3) Coordinate technology planning with other state agencies and
31 local governments, where appropriate;

32 (4) Develop procedures to determine which public records, or
33 portion of public records, are appropriate to be made widely available
34 to the public; and

35 (5) Develop and use methods to readily and inexpensively withhold
36 or mask nondisclosable information and other information that should
37 not be made widely available electronically to the public.

1 The reports of the public information access policy task force, as
2 outlined in its December 1994 interim report and its December 1995
3 report, Encouraging Widespread Public Electronic Access to Public
4 Records and Information Held by State and Local Governments,- should
5 serve as guidelines for state agencies and local governments in
6 planning and providing increased access to electronic public records.

7 NEW SECTION. **Sec. 4.** TWO-WAY ELECTRONIC INTERACTION AND DELIVERY
8 TECHNOLOGIES. State agencies and local governments are encouraged to:

9 (1) Provide wide public access to electronic public records, or
10 portions of electronic public records, on a two-way, send and receive,
11 basis;

12 (2) Increase their capabilities to receive information
13 electronically from the public and to transmit forms, applications, and
14 other communications and transactions electronically;

15 (3) Make electronic public records widely available using a variety
16 of technologies, including, but not limited to, internet, community-
17 based computer networks, the Washington information network kiosks,
18 television and interactive video, and telephone mechanisms;

19 (4) Use technologies allowing public access throughout the state
20 that allow continuous access twenty-four hours a day, seven days a
21 week, involve little cost to access, and are capable of being used by
22 persons without extensive technological abilities;

23 (5) Provide a wide variety of adaptive technologies and alternative
24 information access methods in their electronic public records to help
25 overcome barriers to public information; and

26 (6) Consider ease of access to electronic technologies by persons
27 with disabilities.

28 NEW SECTION. **Sec. 5.** COSTS AND FEES. Moneys from state and local
29 appropriations, federal dollars, grants, private funds, cooperative
30 ventures among governments, nonexclusive licensing, and public/private
31 partnerships should be used to create electronic public records and to
32 provide wide public access to electronic public records, including
33 building necessary information systems, digitizing information,
34 developing the ability to mask nondisclosable information, and
35 maintaining and upgrading information access systems. State agencies
36 and local governments should not offer customized electronic access
37 services as the primary way of responding to requests or as a primary

1 source of such moneys, but fees for staff time and other direct costs
2 may be included in costs of providing customized access.

3 State agencies and local governments are encouraged to pool
4 resources and to form cooperative ventures to provide electronic access
5 to government information. State agencies and local governments are
6 encouraged to seek federal and private grants for projects that provide
7 increased efficiency and improve government delivery of information and
8 services.

9 NEW SECTION. **Sec. 6.** PILOT PROJECT. The state library, with the
10 assistance of the state archivist and department of information
11 services, shall establish a pilot project to design and test an
12 electronic information locator system allowing members of the public to
13 locate and access electronic public records. In designing the system,
14 the following factors shall be considered: (1) Ease of operation,
15 including use of a catalogue; (2) access through multiple technologies,
16 such as direct dial and toll-free numbers, kiosks, and the internet;
17 (3) compatibility with private online services; (4) periodically
18 updating information in the system; and (5) capability of expanding the
19 electronic public records included in the system. The pilot project
20 may restrict the type and quality of electronic public records that are
21 included in the system to test the feasibility of making electronic
22 public records widely available to the public.

23 The pilot project shall not include electronic public records that
24 include personal information.

25 NEW SECTION. **Sec. 7.** EDUCATION ACTIVITIES. State agencies and
26 local governments are encouraged to provide education for their
27 employees in the use and implementation of electronic technologies.
28 State agencies are encouraged to use the program under RCW 28B.15.558
29 where tuition and fees may be waived for state employees attending
30 institutions of higher education.

31 NEW SECTION. **Sec. 8.** ACCURACY, INTEGRITY, AND PRIVACY. State
32 agencies and local governments that collect and enter information
33 concerning individuals into electronic public records that will be
34 widely available to the public should ensure the accuracy of this
35 information and, if electronic public records identifying individuals
36 are made widely available, establish procedures allowing an individual

1 about whom personal information is included to review the information
2 and recommend changes in this information. The provision of personal
3 information as part of an electronic public record that is widely
4 available to the public should include information on the date when the
5 data base was created or most recently updated. If personally
6 identifiable information is included in electronic public records that
7 are made widely available to the public, the information should be
8 retained in the system only as needed to carry out the purposes for
9 which it was collected.

10 **Sec. 9.** RCW 43.105.170 and 1992 c 20 s 2 are each amended to read
11 as follows:

12 (1) Each agency shall develop an agency strategic information
13 technology plan which establishes agency goals and objectives regarding
14 the development and use of information technology. Plans shall
15 include, but not be limited to, the following:

16 (a) A statement of the agency's mission, goals, and objectives for
17 information technology;

18 (b) An explanation of how the agency's mission, goals, and
19 objectives for information technology support and conform to the state
20 strategic information technology plan developed under RCW 43.105.160;

21 (c) Projects and resources required to meet the objectives of the
22 plan; and

23 (d) ~~((Where feasible,))~~ A description of how the agency will
24 implement its plan, including estimated schedules and funding
25 ~~((required to implement identified projects)).~~

26 (2) Plans developed under subsection (1) of this section shall be
27 submitted to the department for review and forwarded along with the
28 department's recommendations to the board for review and approval. The
29 board may reject, require modification to, or approve plans as deemed
30 appropriate by the board. Plans submitted under this subsection shall
31 be updated and submitted for review and approval as necessary.

32 (3) Each agency shall prepare and submit to the department a
33 biennial performance report. The report shall include:

34 (a) An evaluation of the agency's performance relating to
35 information technology;

36 (b) An assessment of progress made toward implementing the agency
37 strategic information technology plan; and

1 (c) An inventory of agency information services, equipment, and
2 proprietary software.

3 (4) The department, with the approval of the board, shall establish
4 standards, elements, form, and format for plans and reports developed
5 under this section.

6 (5) The board may exempt any agency from any or all of the
7 requirements of this section.

8 **Sec. 10.** 1995 2nd sp.s. c 18 s 614 (uncodified) is amended to read
9 as follows:

10 **FOR WASHINGTON STATE LIBRARY**

11	General Fund--State Appropriation (FY 1996) . . . \$	7,069,000
12	General Fund--State Appropriation (<u>FY</u> 1997) . . . \$	((7,071,000))
13		<u>7,271,000</u>
14	General Fund--Federal Appropriation \$	4,799,000
15	General Fund--Private/Local Appropriation \$	46,000
16	Industrial Insurance Premium Refund Account	
17	Appropriation \$	7,000
18	TOTAL APPROPRIATION \$	((18,992,000))
19		<u>19,192,000</u>

20 The appropriations in this section are subject to the following
21 conditions and limitations:

22 (1) \$2,439,516 of the general fund--state appropriation and federal
23 funds are provided for a contract with the Seattle public library for
24 library services for the Washington book and braille library.

25 (2) \$211,000 of the general fund--state appropriation for fiscal
26 year 1997 is provided solely for implementing the pilot project
27 authorized under section 6 of this act.

28 NEW SECTION. **Sec. 11.** If specific funding for the purposes of
29 section 6 of this act, referencing this act by bill or chapter number,
30 is not provided by June 30, 1996, in the omnibus appropriations act,
31 section 6 of this act is null and void.

32 NEW SECTION. **Sec. 12.** Sections 1 through 8 and 13 of this act
33 shall constitute a new chapter in Title 40 RCW.

1 NEW SECTION. **Sec. 13.** Section captions used in this act do not
2 constitute any part of the law.

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