
SECOND SUBSTITUTE SENATE BILL 6556

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senator Sutherland)

Read first time 02/06/96.

1 AN ACT Relating to public electronic access to government records
2 and information; amending RCW 27.04.045, 43.105.041, 43.105.041,
3 43.105.160, 43.105.170, and 43.105.180; adding new sections to chapter
4 43.105 RCW; creating new sections; providing an effective date;
5 providing an expiration date; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** Based upon the recommendations of the public
8 information access policy task force, the legislature finds that
9 government records and information are a vital resource to both
10 government operations and to the public that government serves. Broad
11 public access to state and local government records and information has
12 potential for expanding citizen access to that information and for
13 improving government services. Electronic methods for locating and
14 transferring information can improve linkages between and among
15 citizens, organizations, businesses, and governments. Information must
16 be managed with great care to meet the objectives of citizens and their
17 governments.

18 It is the intent of the legislature to encourage state and local
19 governments to develop, store, and manage their public records and

1 information in electronic formats to meet their missions and
2 objectives. Further, it is the intent of the legislature for state and
3 local governments to set priorities for making public records widely
4 available electronically to the public.

5 NEW SECTION. **Sec. 2.** DEFINITIONS. Unless the context requires
6 otherwise, the definitions in this section apply throughout this
7 chapter.

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

10 (2) "Public record" means as defined in RCW 42.17.020 and chapter
11 40.14 RCW, and includes legislative records and court records that are
12 available for public inspection.

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

17 NEW SECTION. **Sec. 3.** PLANNING FOR INCREASED PUBLIC ELECTRONIC
18 ACCESS. Within existing resources, state agencies shall plan for and
19 implement processes for making information available electronically.
20 Public demand and agencies' missions and goals shall drive the
21 selection and priorities for government information to be made
22 available electronically. When planning for increased public
23 electronic access, agencies should determine what information the
24 public wants and needs most. Widespread public electronic access does
25 not mean that all government information is able to be made available
26 electronically.

27 (1) In planning for and implementing electronic access, state
28 agencies shall:

29 (a) Where appropriate, plan for electronic public access and two-
30 way electronic interaction when acquiring, redesigning, or rebuilding
31 information systems;

32 (b) Focus on providing electronic access to current information,
33 leaving archival material to be made available digitally as resources
34 allow or as a need arises;

35 (c) Coordinate technology planning across agency boundaries in
36 order to facilitate electronic access to vital public information;

1 (d) Develop processes to determine which information the public
2 most wants and needs;

3 (e) Develop and employ methods to readily withhold or mask
4 nondisclosable data.

5 (2) In planning or implementing two-way electronic interaction and
6 delivery technologies, state agencies and local governments are
7 encouraged to:

8 (a) Increase their capabilities to receive information
9 electronically from the public and to transmit forms, applications, and
10 other communications and transactions electronically;

11 (b) Use technologies allowing public access throughout the state
12 that allow continuous access twenty-four hours a day, seven days per
13 week, involve little or no cost to access, and are capable of being
14 used by persons without extensive technological ability; and

15 (c) Consider and incorporate wherever possible ease of access to
16 electronic technologies by persons with disabilities. In planning and
17 implementing new public electronic access projects, agencies should
18 consult with people who have disabilities, with disability access
19 experts, and the general public.

20 (3) The final report of the public information access policy task
21 force, "Encouraging Widespread Public Electronic Access to Public
22 Records and Information Held by State and Local Governments," shall
23 serve as a major resource for state agencies and local governments in
24 planning and providing increased access to electronic public records
25 and information.

26 **Sec. 4.** RCW 27.04.045 and 1989 c 96 s 7 are each amended to read
27 as follows:

28 The state library commission shall be responsible for the following
29 functions:

30 (1) Maintaining a library at the state capitol grounds to
31 effectively provide library and information services to members of the
32 legislature, state officials, and state employees in connection with
33 their official duties;

34 (2) Acquiring and making available information, publications, and
35 source materials that pertain to the history of the state;

36 (3) Serving as the depository for newspapers published in the state
37 of Washington thus providing a central location for a valuable

1 historical record for scholarly, personal, and commercial reference and
2 circulation;

3 (4) Promoting and facilitating electronic access to public
4 information and services;

5 (5) Establishing content-related standards for common formats and
6 agency indexes for state agency produced information. In developing
7 these standards, the commission is encouraged to include the state
8 archives, the department of information services, and public and
9 academic libraries;

10 (6) Collecting and distributing copies of state publications by
11 ensuring that:

12 (a) The state library collects and makes available as part of its
13 collection copies of any state publication, as defined in RCW
14 40.06.010, prepared by any state agency whenever fifteen or more copies
15 are prepared for distribution. The state library commission, on
16 recommendation of the state librarian, may provide by rule for deposit
17 with the state library of up to three copies of such publication; and

18 (b) The state library maintains a division to serve as state
19 publications distribution center, as provided in chapter 40.06 RCW;

20 ~~((+5))~~ (7) Providing advisory services to state agencies regarding
21 their information needs;

22 ~~((+6))~~ (8) Providing for library and information service to
23 residents and staff of state-supported residential institutions;

24 ~~((+7))~~ (9) Providing for library and information services to
25 persons throughout the state who are blind and/or physically
26 handicapped;

27 ~~((+8))~~ (10) Assisting individuals and groups such as libraries,
28 library boards, governing bodies, and citizens throughout the state
29 toward the establishment and development of library services;

30 ~~((+9))~~ (11) Making studies and surveys of library needs in order
31 to provide, expand, enlarge, and otherwise improve access to library
32 facilities and services throughout the state;

33 ~~((+10))~~ (12) Serving as a primary interlibrary loan, information,
34 reference, and referral center for all libraries in the state;

35 ~~((+11))~~ (13) Assisting in the provision of direct library and
36 information services to individuals;

37 ~~((+12))~~ (14) Overseeing of the Washington library network in
38 accordance with chapters 27.26 and 43.105 RCW. This subsection shall
39 expire on June 30, 1997.

1 **Sec. 5.** RCW 43.105.041 and 1995 2nd sp.s. c 14 s 512 are each
2 amended to read as follows:

3 (1) The board shall have the following powers and duties related to
4 information services:

5 (~~(1)~~) (a) To develop standards governing the acquisition and
6 disposition of equipment, proprietary software and purchased services,
7 and confidentiality of computerized data;

8 (~~(2)~~) (b) To purchase, lease, rent, or otherwise acquire, dispose
9 of, and maintain equipment, proprietary software, and purchased
10 services, or to delegate to other agencies and institutions of state
11 government, under appropriate standards, the authority to purchase,
12 lease, rent, or otherwise acquire, dispose of, and maintain equipment,
13 proprietary software, and purchased services: PROVIDED, That, agencies
14 and institutions of state government, except as provided in RCW
15 43.105.017(5) and section 507, chapter 14, Laws of 1995 2nd sp. sess.,
16 are expressly prohibited from acquiring or disposing of equipment,
17 proprietary software, and purchased services without such delegation of
18 authority. The acquisition and disposition of equipment, proprietary
19 software, and purchased services is exempt from RCW 43.19.1919 and, as
20 provided in RCW 43.19.1901, from the provisions of RCW 43.19.190
21 through 43.19.200. This subsection (1)(b) does not apply to the
22 legislative branch;

23 (~~(3)~~) (c) To develop state-wide or interagency technical
24 policies, standards, and procedures;

25 (~~(4)~~) (d) To assure the cost-effective development and
26 incremental implementation of a state-wide video telecommunications
27 system to serve: Public schools; educational service districts;
28 vocational-technical institutes; community colleges; colleges and
29 universities; state and local government; and the general public
30 through public affairs programming;

31 (~~(5)~~) (e) To provide direction concerning strategic planning
32 goals and objectives for the state. The board shall seek input from
33 the legislature and the judiciary;

34 (~~(6)~~) (f) To develop and implement a process for the resolution
35 of appeals by:

36 (~~(a)~~) (i) Vendors concerning the conduct of an acquisition
37 process by an agency or the department; or

38 (~~(b)~~) (ii) A customer agency concerning the provision of services
39 by the department or by other state agency providers;

1 (~~(7)~~) (g) To establish policies for the periodic review by the
2 department of agency performance which may include but are not limited
3 to analysis of:

4 (~~(a)~~) (i) Planning, management, control, and use of information
5 services;

6 (~~(b)~~) (ii) Training and education; and

7 (~~(c)~~) (iii) Project management;

8 (~~(8)~~) (h) To set its meeting schedules and convene at scheduled
9 times, or meet at the request of a majority of its members, the chair,
10 or the director; and

11 (~~(9)~~) (i) To review and approve that portion of the department's
12 budget requests that provides for support to the board.

13 (2) State-wide technical standards to promote and facilitate
14 electronic information sharing and access are an essential component of
15 acceptable and reliable public access service and complement content-
16 related standards designed to meet those goals. The board shall:

17 (a) Establish technical standards to facilitate electronic access
18 to government information and interoperability of information systems.
19 Local governments are strongly encouraged to follow the standards
20 established by the board; and

21 (b) Require agencies to consider electronic public access needs
22 when planning new information systems or major upgrades of systems.

23 In developing these standards, the board is encouraged to include
24 the state library, state archives, and appropriate representatives of
25 state and local government.

26 **Sec. 6.** RCW 43.105.041 and 1990 c 208 s 6 are each amended to read
27 as follows:

28 (1) The board shall have the following powers and duties related to
29 information services:

30 (~~(1)~~) (a) To develop standards governing the acquisition and
31 disposition of equipment, proprietary software and purchased services,
32 and confidentiality of computerized data;

33 (~~(2)~~) (b) To purchase, lease, rent, or otherwise acquire, dispose
34 of, and maintain equipment, proprietary software, and purchased
35 services, or to delegate to other agencies and institutions of state
36 government, under appropriate standards, the authority to purchase,
37 lease, rent, or otherwise acquire, dispose of, and maintain equipment,
38 proprietary software, and purchased services: PROVIDED, That, agencies

1 and institutions of state government are expressly prohibited from
2 acquiring or disposing of equipment, proprietary software, and
3 purchased services without such delegation of authority. The
4 acquisition and disposition of equipment, proprietary software, and
5 purchased services is exempt from RCW 43.19.1919 and, as provided in
6 RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200.

7 This subsection (1)(b) does not apply to the legislative branch;

8 ~~((+3))~~ (c) To develop state-wide or interagency technical
9 policies, standards, and procedures;

10 ~~((+4))~~ (d) To assure the cost-effective development and
11 incremental implementation of a state-wide video telecommunications
12 system to serve: Public schools; educational service districts;
13 vocational-technical institutes; community colleges; colleges and
14 universities; state and local government; and the general public
15 through public affairs programming;

16 ~~((+5))~~ (e) To provide direction concerning strategic planning
17 goals and objectives for the state. The board shall seek input from
18 the legislature and the judiciary;

19 ~~((+6))~~ (f) To develop and implement a process for the resolution
20 of appeals by:

21 ~~((+a))~~ (i) Vendors concerning the conduct of an acquisition
22 process by an agency or the department; or

23 ~~((+b))~~ (ii) A customer agency concerning the provision of services
24 by the department or by other state agency providers;

25 ~~((+7))~~ (g) To establish policies for the periodic review by the
26 department of agency performance which may include but are not limited
27 to analysis of:

28 ~~((+a))~~ (i) Planning, management, control, and use of information
29 services;

30 ~~((+b))~~ (ii) Training and education; and

31 ~~((+e))~~ (iii) Project management;

32 ~~((+8))~~ (h) To set its meeting schedules and convene at scheduled
33 times, or meet at the request of a majority of its members, the chair,
34 or the director; and

35 ~~((+9))~~ (i) To review and approve that portion of the department's
36 budget requests that provides for support to the board.

37 (2) State-wide technical standards to promote and facilitate
38 electronic information sharing and access are an essential component of

1 acceptable and reliable public access service and complement content-
2 related standards designed to meet those goals. The board shall:

3 (a) Establish technical standards to facilitate electronic access
4 to government information and interoperability of information systems.
5 Local governments are strongly encouraged to follow the standards
6 established by the board; and

7 (b) Require agencies to consider electronic public access needs
8 when planning new information systems or major upgrades of systems.

9 In developing these standards, the board is encouraged to include
10 the state library, state archives, and appropriate representatives of
11 state and local government.

12 **Sec. 7.** RCW 43.105.160 and 1992 c 20 s 1 are each amended to read
13 as follows:

14 (1) The department shall prepare a state strategic information
15 technology plan which shall establish a state-wide mission, goals, and
16 objectives for the use of information technology, including goals for
17 electronic access to government records, information, and services.
18 The plan shall be developed in accordance with the standards and
19 policies established by the board and shall be submitted to the board
20 for review, modification as necessary, and approval. The department
21 shall seek the advice of the board in the development of this plan.

22 The plan approved under this section shall be updated as necessary
23 and submitted to the governor and the chairs and ranking minority
24 members of the appropriations committees of the senate and the house of
25 representatives.

26 (2) The department shall prepare a biennial state performance
27 report on information technology based on agency performance reports
28 required under RCW 43.105.170 and other information deemed appropriate
29 by the department. The report shall include, but not be limited to:

30 (a) An evaluation of performance relating to information
31 technology;

32 (b) An assessment of progress made toward implementing the state
33 strategic information technology plan, including progress toward
34 electronic access to public information and enabling citizens to have
35 two-way access to public records, information, and services;

36 (c) An analysis of the success or failure, feasibility, progress,
37 costs, and timeliness of implementation of major information technology
38 projects under RCW 43.105.190;

1 (d) Identification of benefits, cost avoidance, and cost savings
2 generated by major information technology projects developed under RCW
3 43.105.190; and

4 (e) An inventory of state information services, equipment, and
5 proprietary software.

6 Copies of the report shall be distributed biennially to the
7 governor and the chairs and ranking minority members of the
8 appropriations committees of the senate and the house of
9 representatives.

10 **Sec. 8.** 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, including goals and objectives for achieving
18 electronic access to agency records, information, and services;

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

22 (c) An implementation strategy to provide electronic access to
23 public records and information. This implementation strategy must be
24 assembled to include:

25 (i) Compliance with Title 40 RCW;

26 (ii) Adequate public notice and opportunity for comment;

27 (iii) Consideration of a variety of electronic technologies,
28 including those that help transcend geographic locations, standard
29 business hours, economic conditions of users, and disabilities;

30 (iv) Methods to educate both state employees and the public in the
31 effective use of access technologies;

32 (d) Projects and resources required to meet the objectives of the
33 plan; and

34 ~~((d))~~ (e) Where feasible, estimated schedules and funding
35 required to implement identified projects.

36 (2) Plans developed under subsection (1) of this section shall be
37 submitted to the department for review and forwarded along with the
38 department's recommendations to the board for review and approval. The

1 board may reject, require modification to, or approve plans as deemed
2 appropriate by the board. Plans submitted under this subsection shall
3 be updated and submitted for review and approval as necessary.

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

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

8 (b) An assessment of progress made toward implementing the agency
9 strategic information technology plan; (~~and~~)

10 (c) Progress toward electronic access to public information and
11 enabling citizens to have two-way interaction for obtaining information
12 and services from agencies; and

13 (d) An inventory of agency information services, equipment, and
14 proprietary software.

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

18 (5) Agency activities to increase electronic access to public
19 records and information, as required by this section, must be
20 implemented within available resources and existing agency planning
21 processes.

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

24 **Sec. 9.** RCW 43.105.180 and 1992 c 20 s 3 are each amended to read
25 as follows:

26 Upon request of the office of financial management, the department
27 shall evaluate agency budget requests for major information technology
28 projects identified under RCW 43.105.190. The department shall submit
29 recommendations for funding all or part of such requests to the office
30 of financial management.

31 The department, with the advice and approval of the office of
32 financial management, shall establish criteria for the evaluation of
33 agency budget requests under this section. Criteria shall include, but
34 not be limited to: Feasibility of the proposed projects, consistency
35 with state and agency strategic information technology plans,
36 consistency with agency goals and objectives, appropriate provision for
37 public electronic access to information and services, costs, and
38 benefits.

1 NEW SECTION. **Sec. 10.** COSTS AND FEES. Funding to meet the costs
2 of providing access, including the building of the necessary
3 information systems, the digitizing of information, developing the
4 ability to mask nondisclosable information, and maintenance and upgrade
5 of information access systems should come primarily from state and
6 local appropriations, federal dollars, grants, private funds,
7 cooperative ventures among governments, nonexclusive licensing, and
8 public/private partnerships. Agencies should not offer customized
9 electronic access services as the primary way of responding to requests
10 or as a primary source of revenue. Fees for staff time to respond to
11 requests, and other direct costs may be included in costs of providing
12 customized access.

13 Agencies and local governments are encouraged to pool resources and
14 to form cooperative ventures to provide electronic access to government
15 records and information. State agencies are encouraged to seek federal
16 and private grants for projects that provide increased efficiency and
17 improve government delivery of information and services.

18 NEW SECTION. **Sec. 11.** GOVERNMENT INFORMATION LOCATOR SERVICE
19 PILOT PROJECT. The state library, with the assistance of the
20 department of information services and the state archives, shall
21 establish a pilot project to design and test an electronic information
22 locator system, allowing members of the public to locate and access
23 electronic public records. In designing the system, the following
24 factors shall be considered: (1) Ease of operation by citizens; (2)
25 access through multiple technologies, such as direct dial and toll-free
26 numbers, kiosks, and the Internet; (3) compatibility with private on-
27 line services; and (4) capability of expanding the electronic public
28 records included in the system. The pilot project may restrict the
29 type and quality of electronic public records that are included in the
30 system to test the feasibility of making electronic public records and
31 information widely available to the public.

32 NEW SECTION. **Sec. 12.** EDUCATION IN THE USE OF TECHNOLOGY. State
33 agencies and local governments are encouraged to provide education for
34 their employees in the use and implementation of electronic
35 technologies. State agencies are encouraged to make maximum use of the
36 provisions of RCW 28B.15.558, and training offered by the state
37 department of personnel, to maximize employee education in the

1 creation, design, maintenance, and use of electronic information
2 systems and improved customer service delivery.

3 NEW SECTION. **Sec. 13.** ACCURACY, INTEGRITY, AND PRIVACY OF RECORDS
4 AND INFORMATION. State agencies and local governments that collect and
5 enter information concerning individuals into electronic records and
6 information systems that will be widely accessible by the public under
7 RCW 42.17.020 shall ensure the accuracy of this information to the
8 extent possible. To the extent possible, information must be collected
9 directly from, and with the consent of, the individual who is the
10 subject of the data. Agencies shall establish procedures for
11 correcting inaccurate information, including establishing mechanisms
12 for individuals to review information about themselves and recommend
13 changes in information they believe to be inaccurate. The inclusion of
14 personal information in electronic public records that is widely
15 available to the public should include information on the date when the
16 data base was created or most recently updated. If personally
17 identifiable information is included in electronic public records that
18 are made widely available to the public, agencies must follow retention
19 and archival schedules in accordance with chapter 40.14 RCW, retaining
20 personally identifiable information only as long as needed to carry out
21 the purpose for which it was collected.

22 NEW SECTION. **Sec. 14.** Section captions used in this act do not
23 constitute any part of the law.

24 NEW SECTION. **Sec. 15.** If specific funding for the purposes of
25 section 11 of this act is not provided by June 30, 1996, in the
26 supplemental appropriations act, section 11 of this act is null and
27 void.

28 NEW SECTION. **Sec. 16.** Sections 1 through 3, 10, 11, 12, and 13 of
29 this act are added to chapter 43.105 RCW.

30 NEW SECTION. **Sec. 17.** This act is necessary for the immediate
31 preservation of the public peace, health, or safety, or support of the
32 state government and its existing public institutions, and takes effect
33 immediately, except for section 6 of this act, which takes effect June
34 30, 1997.

1 NEW SECTION. **Sec. 18.** Section 5 of this act expires June 30,
2 1997.

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