
SENATE BILL 6556

State of Washington

54th Legislature

1996 Regular Session

By Senator Sutherland

Read first time 01/17/96. Referred to Committee on Energy,
Telecommunications & Utilities.

1 AN ACT Relating to public electronic access to government
2 information; amending RCW 43.105.041, 43.105.041, 43.105.160,
3 43.105.170, and 43.105.180; adding new sections to chapter 43.105 RCW;
4 creating new sections; providing an effective date; providing an
5 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 information is a vital resource to both government
10 operations and to the public that government serves. State and local
11 governments should set a high priority on providing and improving
12 electronic access to government information and services. Broad public
13 access to state and local government information has potential for
14 expanding citizen access to government information and for improving
15 government services. Electronic methods for locating and transferring
16 information can improve linkages between and among citizens,
17 organizations, businesses, and governments. Information must be
18 managed with great care to meet the objectives of citizens and their
19 governments.

1 NEW SECTION. **Sec. 2.** PLANNING FOR INCREASED PUBLIC ELECTRONIC
2 ACCESS. State agencies shall plan for and implement processes for
3 making information available electronically. Public demand and
4 agencies' missions and goals shall drive the selection and priorities
5 for government information to be made available electronically. When
6 planning for increased public electronic access, agencies should
7 determine what information the public wants and needs most. Widespread
8 public electronic access does not mean that all government information
9 must be made available electronically.

10 In designing or procuring electronic access systems, agencies shall
11 consider a method of readily withholding nondisclosable information
12 from public records.

13 In planning for and implementing electronic access agencies shall:

14 (1) Plan for electronic public access and two-way electronic
15 interaction when redesigning and rebuilding information systems;

16 (2) Focus on providing electronic access to current information,
17 leaving archival material to be made available digitally as resources
18 allow or as a need arises;

19 (3) Coordinate technology planning across agency boundaries in
20 order to facilitate electronic access to vital public information;

21 (4) Develop a method to determine which information the public most
22 wants and needs;

23 (5) Develop and employ methods to readily and inexpensively
24 withhold or mask nondisclosable data.

25 NEW SECTION. **Sec. 3.** TWO-WAY ELECTRONIC INTERACTION. Agencies
26 are encouraged to provide electronic access on a two-way, send and
27 receive basis. Agencies should increase their capability to receive
28 information electronically from individuals and businesses. It should
29 be possible to electronically transmit forms, applications, and other
30 communications and transactions to and from agencies using information
31 technologies.

32 **Sec. 4.** RCW 43.105.041 and 1995 2nd sp.s. c 14 s 512 are each
33 amended to read as follows:

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

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

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

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

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

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

30 ~~((6))~~ (f) To promote and facilitate electronic access to public
31 information and services;

32 (g) To develop and implement a process for the resolution of
33 appeals by:

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

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

1 (~~(7)~~) (h) 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)~~) (i) 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)~~) (j) 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. The board shall:

16 (a) Establish standards to facilitate electronic access to
17 government information. Local governments are strongly encouraged to
18 follow the standards established by the board;

19 (b) Require agencies to consider electronic public access needs
20 when planning new information systems or major upgrades of systems;

21 (c) Establish standards for common formats and agency indexes.

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

25 **Sec. 5.** RCW 43.105.041 and 1990 c 208 s 6 are each amended to read
26 as follows:

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

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

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

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

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

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

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

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

18 ~~((6))~~ (f) To promote and facilitate electronic access to public
19 information and services;

20 (g) To develop and implement a process for the resolution of
21 appeals by:

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

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

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

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

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

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

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

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

1 (2) State-wide technical standards to promote and facilitate
2 electronic information sharing and access are an essential component of
3 acceptable and reliable public access service. The board shall:

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

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

9 (c) Establish standards for common formats and agency indexes.

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

13 **Sec. 6.** RCW 43.105.160 and 1992 c 20 s 1 are each amended to read
14 as follows:

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

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

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

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

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

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

4 (d) Identification of benefits, cost avoidance, and cost savings
5 generated by major information technology projects developed under RCW
6 43.105.190; ((and))

7 (e) An inventory of state information services, equipment, and
8 proprietary software;

9 (f) Goals and strategies for providing electronic access to
10 information;

11 (g) Goals and strategies for persons who use adaptive technologies;
12 and

13 (h) An assessment of progress made by state agencies, local
14 governments, educational institutions, libraries, and other public and
15 private entities, toward improving citizens' ability to send
16 information to and receive information from state agencies in
17 electronic formats.

18 Copies of the report shall be distributed biennially to the
19 governor and the chairs and ranking minority members of the
20 appropriations committees of the senate and the house of
21 representatives.

22 **Sec. 7.** RCW 43.105.170 and 1992 c 20 s 2 are each amended to read
23 as follows:

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

28 (a) A statement of the agency's mission, goals, and objectives for
29 information technology, including goals and objectives for electronic
30 access to agency information and services;

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

34 (c) An implementation strategy to provide electronic access to
35 public information. This implementation strategy must be assembled to
36 include:

37 (i) Compliance with Title 40 RCW;

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

1 (iii) Consideration of a variety of electronic technologies;
2 (iv) Methods to educate both employees and the public in the
3 effective use of access technologies; and

4 (v) The integration of employee functions to ensure that electronic
5 storage and delivery are a component of daily activity;

6 (d) Projects and resources required to meet the objectives of the
7 plan; and

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

10 (2) Plans developed under subsection (1) of this section shall be
11 submitted to the department for review and forwarded along with the
12 department's recommendations to the board for review and approval. The
13 board may reject, require modification to, or approve plans as deemed
14 appropriate by the board. Plans submitted under this subsection shall
15 be updated and submitted for review and approval as necessary.

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

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

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

22 (c) An inventory of agency information services, equipment, and
23 proprietary software.

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

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

29 **Sec. 8.** RCW 43.105.180 and 1992 c 20 s 3 are each amended to read
30 as follows:

31 Upon request of the office of financial management, the department
32 shall evaluate agency budget requests for major information technology
33 projects identified under RCW 43.105.190. The department shall submit
34 recommendations for funding all or part of such requests to the office
35 of financial management.

36 The department, with the advice and approval of the office of
37 financial management, shall establish criteria for the evaluation of
38 agency budget requests under this section. Criteria shall include, but

1 not be limited to: Feasibility of the proposed projects, consistency
2 with state and agency strategic information technology plans, planning
3 for electronic access to public information and services, consistency
4 with agency goals and objectives, costs, and benefits.

5 NEW SECTION. **Sec. 9.** DELIVERY TECHNOLOGIES. No single technology
6 addresses all needs for providing public access; agencies are
7 encouraged to use a variety of technologies, including, but not limited
8 to, the Internet, community-based computer networks, the Washington
9 information network kiosks, television and interactive video, and
10 telephone mechanisms to provide the public with expanded electronic
11 access to public information.

12 NEW SECTION. **Sec. 10.** COSTS AND FEES. Funding to meet the costs
13 of providing access, including the building of the necessary
14 information systems, the digitizing of information, developing the
15 ability to mask nondisclosable information, and maintenance and upgrade
16 of information access systems, should come from state and local
17 appropriations, federal dollars, grants, private funds, cooperative
18 ventures among governments, nonexclusive licensing, and public/private
19 partnerships. Agencies should not offer customized electronic access
20 services as the primary way of responding to requests or as a primary
21 source of revenue. Fees for staff time and other direct costs may be
22 included in costs of providing customized access.

23 Agencies and local governments are encouraged to pool resources and
24 to form cooperative ventures to provide electronic access to government
25 information. State agencies are encouraged to seek federal and private
26 grants for projects that provide increased efficiency and improve
27 government delivery of information and services.

28 NEW SECTION. **Sec. 11.** GOVERNMENT INFORMATION LOCATOR SERVICE.
29 The department of information services and the state library shall work
30 cooperatively to design and implement a pilot government information
31 locator system that will enable the public to quickly and easily obtain
32 government information it seeks in electronic format.

33 The department and the state library are responsible for the
34 design, development, and maintenance of the system. In designing the
35 system, the department shall consider such factors as (1) ease of
36 operation by citizens, (2) access by citizens through multiple

1 technologies, such as direct dial and toll-free numbers, kiosks, and
2 the Internet, and (3) compatibility with private on-line services.

3 The state library will be the host site for the system and is
4 primarily responsible for ensuring that information available through
5 the system is responsive to citizens' needs, is reviewed and updated
6 regularly, and is catalogued in a manner that ensures ease of
7 retrieval.

8 NEW SECTION. **Sec. 12.** EDUCATION ACTIVITIES. Government employees
9 need to be educated in the use and implementation of technology.
10 Government employees can then assist the public in effective ways to
11 electronically obtain government information and services. State
12 agencies shall coordinate with state institutions of higher education
13 to fully use the provisions of RCW 28B.15.558 to maximize employee
14 education in creation, design, maintenance, and use of electronic
15 information systems and improved customer service delivery.

16 NEW SECTION. **Sec. 13.** ELIMINATING BARRIERS TO ACCESS. Agencies
17 are encouraged to use technological tools that transcend geographic
18 locations, normal business hours, economic conditions, and abilities of
19 the users. Agencies should provide a wide variety of adaptive
20 technologies and alternative information access methods to help
21 overcome barriers to public information. In planning and implementing
22 planning new public electronic access projects, agencies should consult
23 with people who have disabilities, disability access experts, and the
24 general public.

25 NEW SECTION. **Sec. 14.** ACCURACY, INTEGRITY, AND PRIVACY. To the
26 extent possible, information must be collected directly from, and with
27 the consent of, the individual who is the subject of the data. The
28 individual about whom information is collected or maintained may review
29 that data. Agencies shall establish procedures for correcting
30 inaccurate information, including mechanisms for individuals to
31 recommend changes to personal information that they believe to be
32 inaccurate. Disclosures of data or information must include one
33 overall indication of the date when the data base was created, or most
34 recently updated. Agencies must follow retention and archival
35 schedules, retaining personally identifiable information only as needed
36 to carry out the purpose for which it was collected.

1 NEW SECTION. **Sec. 15.** SUPPORTING GUIDELINES. The reports of the
2 public information access policy task force, as outlined in its
3 December 1994 interim report and its December 1995 report, "Encouraging
4 Widespread Public Electronic Access to Public Records and Information
5 Held by State and Local Governments," should serve as guidelines for
6 agencies and local governments in planning and providing increased
7 electronic access to government information.

8 NEW SECTION. **Sec. 16.** Section captions used in this act are no
9 part of the law.

10 NEW SECTION. **Sec. 17.** Sections 1 through 3 and 9 through 15 of
11 this act are added to chapter 43.105 RCW.

12 NEW SECTION. **Sec. 18.** This act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of the
14 state government and its existing public institutions, and takes effect
15 immediately, except section 5 of this act which takes effect June 30,
16 1997.

17 NEW SECTION. **Sec. 19.** If specific funding for the purposes of
18 section 11 of this act, referencing section 11 of this act by bill and
19 section number, is not provided by June 30, 1996, in the supplemental
20 appropriations act, section 11 of this act is null and void.

21 NEW SECTION. **Sec. 20.** Section 4 of this act expires June 30,
22 1997.

--- END ---