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HOUSE BILL 2228

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State of Washington                      56th Legislature                      1999 Regular Session

By Representatives Dunshee, McMorris, Romero and Kessler

Read first time 02/23/1999. Referred to Committee on State Government.

1            AN ACT Relating to the collection of personally identifiable  
2 information by state agencies; and amending RCW 43.105.020 and  
3 43.105.052.

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

5            **Sec. 1.** RCW 43.105.020 and 1993 c 280 s 78 are each amended to  
6 read as follows:

7            As used in this chapter, unless the context indicates otherwise,  
8 the following definitions shall apply:

9            (1) "Department" means the department of information services;

10           (2) "Board" means the information services board;

11           (3) "Local governments" includes all municipal and quasi municipal  
12 corporations and political subdivisions, and all agencies of such  
13 corporations and subdivisions authorized to contract separately;

14           (4) "Director" means the director of the department;

15           (5) "Purchased services" means services provided by a vendor to  
16 accomplish routine, continuing, and necessary functions. This term  
17 includes, but is not limited to, services acquired for equipment  
18 maintenance and repair, operation of a physical plant, security,  
19 computer hardware and software installation and maintenance, data

1 entry, keypunch services, programming services, and computer time-  
2 sharing;

3 (6) "Backbone network" means the shared high-density portions of  
4 the state's telecommunications transmission facilities. It includes  
5 specially conditioned high-speed communications carrier lines,  
6 multiplexors, switches associated with such communications lines, and  
7 any equipment and software components necessary for management and  
8 control of the backbone network;

9 (7) "Telecommunications" means the transmission of information by  
10 wire, radio, optical cable, electromagnetic, or other means;

11 (8) "Information processing" means the electronic capture,  
12 collection, storage, manipulation, transmission, retrieval, and  
13 presentation of information in the form of data, text, voice, or image  
14 and includes telecommunications and office automation functions;

15 (9) "Information services" means data processing,  
16 telecommunications, and office automation;

17 (10) "Equipment" means the machines, devices, and transmission  
18 facilities used in information processing, such as computers, word  
19 processors, terminals, telephones, and cables;

20 (11) "Proprietary software" means that software offered for sale or  
21 license;

22 (12) "Video telecommunications" means the electronic  
23 interconnection of two or more sites for the purpose of transmitting  
24 and/or receiving visual and associated audio information. Video  
25 telecommunications shall not include existing public television  
26 broadcast stations as currently designated by the department of  
27 community, trade, and economic development under chapter 43.330 RCW;

28 (13) "Personally identifiable information" means information that  
29 can be associated with a particular individual through one or more  
30 identifiers or other information or circumstances.

31 **Sec. 2.** RCW 43.105.052 and 1993 c 281 s 53 are each amended to  
32 read as follows:

33 The department shall:

34 (1) Perform all duties and responsibilities the board delegates to  
35 the department, including but not limited to:

36 (a) The review of agency acquisition plans and requests; and

37 (b) Implementation of state-wide and interagency policies,  
38 standards, and guidelines;

1 (2) Make available information services to state agencies and local  
2 governments on a full cost-recovery basis. These services may include,  
3 but are not limited to:

4 (a) Telecommunications services for voice, data, and video;

5 (b) Mainframe computing services;

6 (c) Support for departmental and microcomputer evaluation,  
7 installation, and use;

8 (d) Equipment acquisition assistance, including leasing, brokering,  
9 and establishing master contracts;

10 (e) Facilities management services for information technology  
11 equipment, equipment repair, and maintenance service;

12 (f) Negotiation with local cable companies and local governments to  
13 provide for connection to local cable services to allow for access to  
14 these public and educational channels in the state;

15 (g) Office automation services;

16 (h) System development services; and

17 (i) Training.

18 These services are for discretionary use by customers and customers  
19 may elect other alternatives for service if those alternatives are more  
20 cost-effective or provide better service. Agencies may be required to  
21 use the backbone network portions of the telecommunications services  
22 during an initial start-up period not to exceed three years;

23 (3) Establish rates and fees for services provided by the  
24 department to assure that the services component of the department is  
25 self-supporting. A billing rate plan shall be developed for a two-year  
26 period to coincide with the budgeting process. The rate plan shall be  
27 subject to review at least annually by the customer oversight  
28 committees. The rate plan shall show the proposed rates by each cost  
29 center and will show the components of the rate structure as mutually  
30 determined by the department and the customer oversight committees.  
31 The same rate structure will apply to all user agencies of each cost  
32 center. The rate plan and any adjustments to rates shall be approved  
33 by the office of financial management. The services component shall  
34 not subsidize the operations of the planning component;

35 (4) With the advice of the information services board and agencies,  
36 develop a state strategic information technology plan and performance  
37 reports as required under RCW 43.105.160;

38 (5) Develop plans for the department's achievement of state-wide  
39 goals and objectives set forth in the state strategic information

1 technology plan required under RCW 43.105.160. These plans shall  
2 address such services as telecommunications, central and distributed  
3 computing, local area networks, office automation, and end user  
4 computing. The department shall seek the advice of customer oversight  
5 committees and the board in the development of these plans;

6 (6) Under direction of the information services board and in  
7 collaboration with the department of personnel, and other agencies as  
8 may be appropriate, develop training plans and coordinate training  
9 programs that are responsive to the needs of agencies;

10 (7) Identify opportunities for the effective use of information  
11 services and coordinate appropriate responses to those opportunities;

12 (8) Assess agencies' projects, acquisitions, plans, or overall  
13 information processing performance as requested by the board, agencies,  
14 the director of financial management, or the legislature. Agencies may  
15 be required to reimburse the department for agency-requested reviews;

16 (9) Develop planning, budgeting, and expenditure reporting  
17 requirements, in conjunction with the office of financial management,  
18 for agencies to follow;

19 (10) Assist the office of financial management with budgetary and  
20 policy review of agency plans for information services;

21 (11) Provide staff support from the planning component to the board  
22 for:

23 (a) Meeting preparation, notices, and minutes;

24 (b) Promulgation of policies, standards, and guidelines adopted by  
25 the board;

26 (c) Supervision of studies and reports requested by the board;

27 (d) Conducting reviews and assessments as directed by the board;

28 (12) Be the lead agency in coordinating video telecommunications  
29 services for all state agencies and develop, pursuant to board  
30 policies, standards and common specifications for leased and purchased  
31 telecommunications equipment. The department shall not evaluate the  
32 merits of school curriculum, higher education course offerings, or  
33 other education and training programs proposed for transmission and/or  
34 reception using video telecommunications resources. Nothing in this  
35 section shall abrogate or abridge the legal responsibilities of  
36 licensees of telecommunications facilities as licensed by the federal  
37 communication commission on March 27, 1990; ((and))

38 (13) Create and maintain a registry describing the information  
39 systems or data bases maintained by state agencies that contain

1 personally identifiable information. The registry need not include  
2 systems or data bases that contain personally identifiable information  
3 pertaining solely to public officials acting in their official  
4 capacity. The department may require state agencies to provide  
5 information necessary to create and maintain the registry. The  
6 registry shall contain at least the following information for each  
7 system or data base:

8 (a) A description of the purpose;

9 (b) A description of the type of information included;

10 (c) The number of records involved;

11 (d) The statutory authorization;

12 (e) The methods by which information is collected or updated;

13 (f) The retention schedule; and

14 (g) A list of any other data bases that are merged or matched with  
15 this one; and

16 (14) Perform all other matters and things necessary to carry out  
17 the purposes and provisions of this chapter.

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