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**SUBSTITUTE HOUSE BILL 1516**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** House State Government, Elections & Information Technology (originally sponsored by Representative MacEwen)

AN ACT Relating to creating a data storage system for holding and making public records available to the public; creating new sections; and providing expiration dates.

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

NEW SECTION. **Sec.**  (1) The division of archives and records management in the office of the secretary of state must conduct a study to assess the feasibility of implementing a statewide open records portal through which a user can request and receive a response through a single internet web site relating to public records information.

(2) The division of archives and records management must hire a consultant to conduct the study.

(3) At a minimum, the report must include:

(a) The feasibility of Washington creating a central site from which a user can submit a records request and receive a timely response to such request;

(b) An examination of the experience in other states, including but not limited to the state of Utah, that have implemented an electronic open records portal;

(c) Whether the open records portals in other states serve as central repositories and archives for the purpose of all public records on behalf of local and state agencies;

(d) Whether other states' open records portals track and provide a timeline where each request is being responded to in the process;

(e) The cost of creating the open records portal in other states and the amount of funds local and state agencies or any other entities contributed to the start-up and ongoing costs to operate the open records portal;

(f) The length of time it took for other states to develop an open records portal from its initial start-up to its current full operation;

(g) The length of time it would take for Washington to develop and implement an open records portal from start-up to full operation that is similar to the portals located in other states;

(h) The length of time it would take for Washington to develop and implement an open records portal from start-up to full operation that would include: (i) The portal collecting, archiving, and holding all public records from local and state governmental agencies in Washington; (ii) the portal being capable of allowing users to submit a public records request through a central site; and (iii) the records portal operating as a central site for answering and providing requested public records to a user;

(i) The estimated cost to develop and implement an open records portal that is: (i) Similar to the open records portals located in other states referenced and reviewed in (g) of this subsection; and (ii) a full open records portal pursuant to (h) of this subsection. In both instances, the costs must include costs associated with local and state governmental agencies in Washington participating in the portal and any needed supporting infrastructure, staffing, and training requirements;

(j) How much is charged and how fees are collected from a user requesting a public record through other states' open records portals;

(k) The feasibility of whether an open records portal created in Washington would be able to track all public records requests, when such requests for public records are made through the open records portal, and provide a timeline where each request is being responded to in the process;

(l) The feasibility of whether an open records portal created in Washington would be able to directly respond to answering a user's public records request and, if not, the feasibility of the portal tracking when a local or state agency responds to such a request and providing a timeline where each request is being responded to in the process; and

(m) The feasibility of creating an open records portal in Washington that notifies a requestor that the request has been received and either immediately provides the requestor with a copy of the requested record, notifies the requestor that the record is not available, or notifies the requestor that because of the extraordinary request the record will be available on a date certain.

(4) A report must be completed with findings and recommendations on the experience of the electronic open records portal created in other states and the feasibility of creating a central statewide open records portal in Washington. The report must be submitted to the governor, the appropriate committees of the legislature, and members of the stakeholder group in section 2 of this act, by September 1, 2018.

(5) This section expires December 31, 2018.

NEW SECTION. **Sec.**  (1) The division of archives and records management in the office of the secretary of state must convene a stakeholder group by September 1, 2017, to develop the initial scope and direction of the study in section 1 of this act.

(2) The stakeholder group must include seven members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives, in consultation with the division of archives and records management, jointly shall appoint the remaining three members. The remaining three members must be representatives of the community who have experience in the collection and distribution of governmental public records.

(3) This section expires September 30, 2018.

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