

# HOUSE BILL REPORT

## HB 1516

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**As Reported by House Committee On:**  
State Government, Elections & Information Technology

**Title:** An act relating to creating a data storage system for holding and making public records available to the public.

**Brief Description:** Creating a data storage system for holding and making public records available to the public. .

**Sponsors:** Representative MacEwen.

**Brief History:**

**Committee Activity:**

State Government, Elections & Information Technology: 2/7/17, 2/15/17 [DPS].

**Brief Summary of Substitute Bill**

- Directs the Chief Information Officer to establish an Internet-based data storage system to collect and store local agency public records and make such records available for public disclosure on a state website.

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### HOUSE COMMITTEE ON STATE GOVERNMENT, ELECTIONS & INFORMATION TECHNOLOGY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Hudgins, Chair; Dolan, Vice Chair; Koster, Ranking Minority Member; Volz, Assistant Ranking Minority Member; Appleton, Gregerson, Irwin, Kraft and Pellicciotti.

**Staff:** Sean Flynn (786-7124).

**Background:**

Public Records Act.

The Public Records Act (PRA) requires state and local agencies to make their written records available to the public for inspection and copying upon request, unless the information fits

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into one of the various specific exemptions in the PRA or as otherwise provided in law. The stated policy of the PRA favors disclosure and requires narrow application of the listed exemptions.

Agencies must respond to a records request within five business days. The response must provide the record, deny the request, or provide an estimate of the time when the records will be available. Agencies must adopt rules for providing public access to records, protecting public records from damage or disorganization, and preventing excessive interference with other essential functions of the agency. Each agency must appoint a public records officer to oversee agency compliance with the PRA. Each records officer, as well as state and local elected officials, must complete a training course on compliance with the PRA.

Agencies must make their facilities available for copying public records, unless it would unreasonably disrupt the operations of the agency. An agency may not charge a fee for locating and making records available for inspection. However, an agency may charge for the actual cost of copying the records, up to 15 cents per page. Costs directly related to copying may be included, such as the labor for making copies and shipping costs, but general administrative and overhead costs are excluded. The agency may require a deposit up to 10 percent of the estimated actual copy costs for a request.

#### State Archives - Local Records Management.

The Office of the Secretary of State includes the Division of Archives and Records Management (State Archives), which is responsible for managing the retention, cataloging, and preservation of the public records inventory. The State Archives also operates regional offices that support state and local agencies with records management.

The State Archives provides services, resources, and training to assist with local government archives, including access to digital data systems. The State Archives also administers a competitive grant program to fund specific local government archives projects.

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#### **Summary of Substitute Bill:**

The State Archives is authorized to administer a feasibility study on implementing a statewide open records portal that would administer public records request through a single access point Internet website. The study must be conducted by a consultant hired by the State Archives. The consultant must prepare a report that includes findings and recommendations. The report is due to the Legislature by September 1, 2018. An appropriation of \$25,000 is made in the 2017-19 Operating Budget for funding the study.

The study must address the following topics:

- the feasibility of a central portal that can provide a timely response to records requests;
- an evaluation of other states that have implemented such an open records portal system;
- the length of time and estimated costs to develop and implement a portal; and

- possible fees collected from requesters using the portal;
- the possibility of the portal to track records requests, provide notice to the requester on record availability, and provide direct responses to requests.

The State Archives must convene a workgroup by September 1, 2017, to develop the scope and direction of the study. The work group must have seven members, including four legislators and three community representatives selected by the Legislature's leadership.

**Substitute Bill Compared to Original Bill:**

The requirements for establishing a state portal are removed and replaced with a study to determine the viability of such a project.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) There is a need to update the way public records are stored, especially for all records that are being produced in an electronic form. These records should be available, and creating a public portal will improve efficiency and allow for greater access. This may take a few years to accomplish, but it needs to get started.

(Opposed) The intent of this idea is good and was included in the State Auditor's report on the PRA. However, there are issues regarding the details and implementation of such a project. The redaction and transferring of records to the portal would be very hard to implement. Also, many jurisdictions are already putting more documents online. The initial costs of such a project are very concerning. Other areas of efficiency with public records are more important to deal with right now.

This bill is essentially a public records request by the state for all local agency records. Utah has a more manageable portal that simply tracks all records requests. The state should focus on consolidating local agency technology upgrades to help with records storage.

**Persons Testifying:** (In support) Representative MacEwen, prime sponsor; and Rowland Thompson, Allied Daily Newspapers of Washington.

(Opposed) Connie Michner, Washington Technology Solutions; Jennifer Ziegler, Washington State Association of Counties; Candice Bock, Association of Washington Cities; and James McMahan, Washington Association of Sheriffs and Police Chiefs.

**Persons Signed In To Testify But Not Testifying:** None.