

WAC 246-492-400 Vital statistics data sharing agreements. (1)

All written data sharing agreements with the department for the release of vital records data must comply with the requirements of chapter 70.58A RCW and this section.

(2) A data sharing agreement with the department is required for the following:

(a) Government agencies requesting birth and fetal death record data that contains direct identifiers for nonresearch public health purposes;

(b) Individuals or entities requesting birth and fetal death record data that contains only indirect identifiers;

(c) Individuals or entities requesting infant death data that contains indirect identifiers;

(d) Individuals or entities requesting death, marriage, or divorce record data; and

(e) Government agencies requesting vital records in the conduct of official duties as permitted by chapter 70.58A RCW.

(3) The department may use standard form data sharing agreements for all data requests, consistent with the provisions of this section and chapter 70.58A RCW. If the department elects to use a standard form data sharing agreement for data requests, the requestor shall sign the standard form data sharing agreement prepared by the department pursuant to this subsection. The department will not negotiate the terms of standard form data sharing agreements with a requestor, except for circumstances in subsection (4) of this section.

(4) For data sharing agreements with government agencies, the department may deviate from the standard form data sharing agreement if the government agency is legally prohibited from signing provisions of the standard form data sharing agreement due to constitutional or other statutory provisions. The ultimate decision to modify the standard form data sharing agreement to accommodate a government agency's data request lies solely with the department. The government agency wishing to modify a term of the standard form data sharing agreement under this subsection must submit all of the following to the department in writing:

(a) All of the specific terms of the standard form data sharing agreement that the government agency is legally prohibited from complying with;

(b) An explanation of why the government agency is legally prohibited from complying with the term or terms; and

(c) Citation to the law or rule that prohibits it from complying with the term or terms of the standard form data sharing agreement.

(5) An individual or entity requesting vital records data under this section must comply with all the terms and conditions of the data sharing agreement. If the individual or entity violates the data sharing agreement, then the individual or entity may be guilty of a misdemeanor under RCW 70.58A.590(1), will result in the immediate termination of the data sharing agreement, and result in denial of vital records data in the future.

[Statutory Authority: 2019 c 148. WSR 21-06-041, § 246-492-400, filed 2/24/21, effective 4/1/21.]