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**SUBSTITUTE SENATE BILL 5275**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Fairley, Horn, Stevens and Hale; by request of Secretary of State)

READ FIRST TIME 02/27/03.

1       AN ACT Relating to the confidential nature of public records  
2 transferred to the state archives; and amending RCW 40.14.030.

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

4       **Sec. 1.** RCW 40.14.030 and 1957 c 246 s 3 are each amended to read  
5 as follows:

6       (1) All public records, not required in the current operation of  
7 the office where they are made or kept, and all records of every  
8 agency, commission, committee, or any other activity of state  
9 government which may be abolished or discontinued, shall be transferred  
10 to the state archives so that the valuable historical records of the  
11 state may be centralized, made more widely available, and insured  
12 permanent preservation: PROVIDED, That this section shall have no  
13 application to public records approved for destruction under the  
14 subsequent provisions of this chapter.

15       When so transferred, copies of the public records concerned shall  
16 be made and certified by the archivist, which certification shall have  
17 the same force and effect as though made by the officer originally in  
18 charge of them. Fees may be charged to cover the cost of reproduction.

1 In turning over the archives of his office, the officer in charge  
2 thereof, or his successor, thereby loses none of his rights of access  
3 to them, without charge, whenever necessary.

4 (2) Records that are confidential, privileged, or exempt from  
5 public disclosure under state or federal law while in the possession of  
6 the originating agency, commission, board, committee, or other entity  
7 of state or local government retain their confidential, privileged, or  
8 exempt status after transfer to the state archives unless the  
9 archivist, with the concurrence of the originating jurisdiction,  
10 determines that the records must be made accessible to the public  
11 according to proper and reasonable rules adopted by the secretary of  
12 state, in which case the records may be open to inspection and  
13 available for copying after the expiration of seventy-five years from  
14 creation of the record. If the originating jurisdiction is no longer  
15 in existence, the archivist shall make the determination of  
16 availability according to those rules. If, while in the possession of  
17 the originating agency, commission, board, committee, or other entity,  
18 a record is determined to be confidential, privileged, or exempt from  
19 public disclosure under state or federal law for a period of less than  
20 seventy-five years, then the record must be made accessible to the  
21 public upon the expiration of the shorter period of time.

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