



Report and Recommendations



Encouraging Widespread Public Electronic
Access to Public Records and Information
Held by State and Local Governments

**Public Information Access
Policy Task Force**

December 1, 1995



Public Information Access Policy Task Force

021.8
WASHING
1995



Public Information Access Policy Task Force

Until June 1996, an electronic version of this report will be posted at:

<http://olympus.dis.wa.gov/pub/access/access.html>.

There are no copyrights on this document. Agencies, organizations, companies, and individuals are welcome to copy in whole or in part. The Task Force does ask that they be credited appropriately.

This document is available in alternative formats upon request.

Published by:

Washington State Department of Information Services

and the

Washington State Library

Olympia, Washington
December 1995



Public Information Access Policy Task Force

Table of Contents

- I. Executive Summary 1
- II. The Purpose of, Charge to, and Membership of the Public Information Access Policy Task Force 2
 - A. Legislative Mandate
 - B. Legislative Charge
 - C. Task Force Membership
- III. Task Force Goals and Guiding Principles 3
 - A. Goals
 - B. Guiding Principles
- IV. Potential Benefits and Concerns Created by Electronic Access 4
 - A. Potential Benefits
 - B. Potential Concerns
- V. Task Force Recommendations: Summary 6
- VI. Issues needing further Investigation or Clarification by the Legislature 17
 - A. Costs of Copying or Access: Definition, Clarification, Standardization
 - B. Sufficiency of the Public Records Law in an Increasingly Electronic Environment
 - C. Establishing Copyright Policy for State and Local Government Publications, Information and Data
 - D. Personal Privacy in Electronic Transactions Between Citizens and Government
 - E. Electronic Transaction Security
- VII. Description of Government Information and Identification of Consumer Priorities for Electronic Access to Government Information 18
 - A. Description of Typical state and local Government Information and Data
 - B. Identifying Consumer Priorities for Government Information or Data

VIII.	Potential Roles of State and Local Governments in Developing Electronic Public Information Services	21
	A. Developing Technical Standards for Governments	
	B. Planning Requirements for Electronic Access to Government Information or Data ...	
	C. Developing an Electronic Government Information Locator Pilot Project	
	D. Educating Government Employees about Electronic Access Services	
IX.	Considerations in Implementing Electronic Public Information Services	23
	A. Prioritize and Implement Access Over a Period of Time	
	B. Ensure Equitable Access through Multiple Delivery Systems and Assistive Technologies	
	C. Description of Potential Electronic Delivery Technologies Multiple Platforms and Adaptive Technologies	
	D. Funding of Development Costs and Fee Considerations For Electronic Public Information Access	
	E. Electronic Access is a Priority for all Governments	
X.	Laws and Policies That Impact Public Electronic Services	28
	A. Nature of Public Disclosure Law in Washington State	
	B. Privacy Concerns Raised in Public Comment to the Task Force	
	C. Liability for Inaccurate Data	
XI.	APPENDICES	34
	Appendix A. Current Landscape/Multiple Platforms	
	Appendix B. State and Local Governments on the World Wide Web	
	Appendix C. Making Contact with Public Access Projects in Washington State	
	Appendix D. Task Force Enabling Legislation: Chapter 40, Laws of 1994	
	Appendix E. Summary of Task Force Efforts	
	Appendix F. Public Records Law Text	
	Appendix G. Exemptions to the Open Records Act	
	Appendix H. Working Definitions from December 1994 "Interim Report"	

I. EXECUTIVE SUMMARY

State and local governments collect, use, and manage high volumes of information -- information which is a principal link between the public and their governments. To ensure effective access to government policymaking and operations, and to ensure state and local government accountability, the public needs ready, consistent, predictable access to information that governments manage.

Meaningful, useful policy statements are necessary to guide public access to government information. Such statements were important when government information existed primarily in paper formats, but as government and society move rapidly into electronically based information management, in which agency boundaries are blurred, the need for consistency in policy throughout government is even greater. The massive, ever-changing, complex inventory of government information makes it virtually impossible to articulate a single set of operational policies that can apply to all government records or to information of all types and in all situations. However, it is possible, and necessary, to articulate high level, comprehensive policies to guide governments in making information available to the public electronically.

Between July 1994 and November 1995, the Public Information access Policy Task Force attempted to identify, consider, and reach consensus on major issues involved in electronic access to government information. In the course of its discussion, the Task Force found that many of those issues are not only complex, but also controversial. In general terms, the Task Force concluded:

- Electronic access is an immediate goal for government to pursue, in a planned, coordinated manner, using a variety of delivery systems;
- Electronic information systems should be accurate, reliable, timely, and easily navigated;
- Fees, physical limitations, geography, incompatible systems, and unfamiliarity with technology can be significant barriers to ready access and should be systematically minimized or eliminated; and
- Open access to government information must be balanced with the fundamental rights to individual privacy and confidentiality.

During its short tenure, the Task Force did not resolve all issues related to public electronic access to government information. New issues, and additional facets of issues already under consideration, continued to surface throughout the working life of the Task Force. Other issues will arise as electronic access continues. However, the results of the Task Force's work, detailed in this report, represent a sound foundation for electronic government information policy in Washington State, at both the state and local levels.

II. THE PUBLIC INFORMATION ACCESS POLICY TASK FORCE

A. Legislative Mandate (See Appendix D for Enabling Legislation)

The purpose of the Task Force is to identify specific means of encouraging and establishing widespread, public, electronic access to the public records held by state government and by local governments.

The Legislature finds that government information is a strategic resource and needs to be managed as such and that broad public access to nonrestricted public information and records must be guaranteed. The Legislature further finds that re-engineering government processes along with capitalizing on advancements made in digital technology can build greater efficiencies in government service delivery. The Legislature further finds that providing citizen electronic access to presently available public documents will allow increased citizen involvement in state policies and empower citizens to participate in state policy decision making.

B. Legislative Charge

The Task Force provided "Initial Recommendations" to the Legislature and the Governor in December 1994 and its final Task Force "Report and Recommendations" December 1, 1995.

C. Task Force Membership was established in Chapter 42.17.367 Revised Code of Washington (RCW) as follows:

- State Librarian, Task Force Co-chair (Nancy Zussy).
- Director, Department of Information Services, Task Force Co-chair (Sam Hunt, Assistant to the Director).

Governor Lowry's appointments of five representatives of the general public who "...have experience accessing information electronically or who have particular interest in the policies that should govern information access...."

- David Buxton, Director of Regional Information Services at the Foley Center, Gonzaga University, Spokane.
- Tom Koeninger, Vice President, Editor, The Vancouver Columbian, Vancouver.
- Alex MacLeod, Managing Editor, The Seattle Times, Seattle.
- Aki Namioka, Northwest Regional Director of the Computer Professionals for Social Responsibility, Seattle.
- Karen J. Sy, President, Information Resource Management Associates, Seattle. (Appointed January 1995 after Robert Jacobsen resigned October 3, 1994).

Governor Lowry's appointments of four representatives of state and local governmental agencies:

- William Donahue, Spokane County Auditor, Spokane.
- Claudia McCain, Director, Bellingham Public Library, Bellingham.
- Gloria Rodriguez, Assistant Director, Department of Labor and Industries, Olympia.
- Dr. Ronald Whittaker, Superintendent, East Valley School District, No. 90, Yakima.

The Speaker of the House appointments of two Representatives:

- Representative Jim Horn, Mercer Island.
- Representative Ken Jacobsen, Seattle.

The President of the Senate appointments of two Senators:

- Senator Dean Sutherland, Vancouver.
- Senator Bill Finkbeiner, Redmond (Appointed in April 1995 after Senator Shirley Winsley resigned in March 1995).

The Chief Justice of the Supreme Court appointment of a representative:

- Judge Kenneth Grosse, Court of Appeals, Division I, Seattle, (Jane Nelson attended for Judge Grosse from July 1, 1994 through May 1995).

III. TASK FORCE GOALS AND GUIDING PRINCIPLES**A. The legislation mandating this report contained findings which were adopted by the Task Force as goals for electronic information access:**

- To manage government information as the vital and important public resource that it is;
- To guarantee broad public access to nonrestricted public information and records;
- To empower citizens to participate in state policy decision-making;
- To increase citizen involvement in state policy development;
- To build greater efficiencies into government service delivery.

B. Guiding Principles

The Task Force developed guiding principles which offer a policy development base for electronic access issues. The principles are intended to encourage broad access to government information in electronic form regardless of a user's geographic location, economic condition, or physical abilities. Underlying these principles is the Public Records law (Chapter 42.17.250 RCW) which defines public records and guarantees access to certain categories of government information (Appendix F).

1. The public is the owner of government information for which it has paid. Governments are the stewards of that information.
2. Achieving broad public electronic access should be a consideration in the creation of any government information system containing public records. Public access should be considered in the indexing and electronic storage of public records. Administrative procedures should be established to ensure both ease of access to unrestricted information and security of restricted information.
3. Government should collect only information which is necessary for the operation of government and maintain it only as long as needed.
4. Electronic access to government records should neither compromise the integrity nor the security of those records. Electronic access to such records should not adversely affect the performance of vital government operations, nor compromise personal privacy.

5. Public access devices such as electronic kiosks and computer terminals can broaden citizen access to public information, including access by people with disabilities. Electronic access to state and local jurisdiction information should be provided to every citizen without regard to the individual's financial ability to obtain the technology necessary for electronic access.
6. The Public Records law guarantees the public's right to inspect unrestricted information without charge. Agencies may impose a reasonable charge for providing copies of public records and for the use of agency equipment to copy records, so long as the charges do not exceed the amount necessary to reimburse the agency for actual costs of the copying. Agencies may elect, and are encouraged to, provide copies at reduced or no charge.
7. Accurate and timely government information and data is essential to government operations and to provide a valued service to citizens.
8. It is difficult, but highly necessary, to maintain a balance between the public interest and personal privacy in the collection, management, and distribution of government information. The ability to search government records which may contain individually identifiable information, particularly when electronic databases are combined, poses particular challenges in an electronic environment.

IV. POTENTIAL BENEFITS AND CONCERNS CREATED BY ELECTRONIC ACCESS

Broad public access to state and local information has potential for expanding citizen access to government information and for improving government services. However, the public also has concerns about possible consequences of electronic access. The Task Force identified the following potential benefits, and potential concerns.

A. Potential Benefits

Reduce Geographic Barriers

Electronic access services can reduce impacts of geographic barriers that obstruct ability to access information or ability to participate in government. Place-bound citizens can have access from the home, office, or public locations through personal computers, telephones, interactive television, public or other local libraries, or electronic kiosks.

Facilitate Timely Delivery

Electronic access systems can reduce time barriers to accessing government information. Citizens should be able to make requests and receive information at times convenient to them, unconstrained by times when most government agencies are closed -- nights, weekends, and holidays.

Reduce Language Barriers

Electronic systems can reduce language barriers to accessing government information. Access systems can be designed to meet the needs of many non-English speakers. For example, 15 per cent of the users of the Washington Information Network (WIN) kiosks receive information in languages other than English.

Accommodate Special Needs

Electronic systems can be designed or adapted to meet the needs of people with disabilities by reducing barriers and providing citizens with equitable access to their government. Examples of assistive technologies are speech synthesizers and telecommunication relay services. (TDD)

Support Dialogue with Government

Electronic information systems can improve dialogue between and among citizens, organizations, business and governments. Citizens can track proposed legislation and agency rulemaking, view laws and regulations, be aware of meetings, hearings, etc. They can readily present their views to state and local officials and participate in interactive discussions from remote locations with their government representatives.

Facilitate Government Efficiencies

Careful planning for improved electronic data and information systems may provide efficiencies in daily operations and in providing the ability to quickly access needed information from various locations. Such efficiencies may not necessarily result in lower costs or reduced staffing requirements, because workload may need to be shifted to support the systems and new service patterns.

Contribute to Economic Development

Electronic information systems may contribute other benefits to Washington. For example, electronic access to government data can play a role in promoting regional economic development. By making government data more easily available to the public, entrepreneurs can organize, add value, and offer information to specialized audiences who have a need for it.

Enhance Education and Research

Electronic information systems can also advance educational opportunities by making government data and information readily available for use by students and scholars at all levels. This easier access to information and empirical data might also foster more in-depth research of state issues.

B. Potential Concerns**Heighten Tension Between Government and Individual Rights**

There is a fundamental tension between the public's right to know and the individuals right to privacy and confidentiality. Electronic access brings new challenges to maintaining that balance.

Eliminate Intermediaries

Conventional government services often involve a service person who assists citizens seeking information, and may help in formulating inquiries and locating and explaining information. Electronic inquiry generally lacks this "human touch."

Enhance Commercial Value

Digitizing government information makes it more valuable to commercial vendors. To this extent, it may heighten the tension between the commercial sector and the public.

Ease Access to Personal Data

Inclusive electronic searches for personal information can be made far easier electronically than through conventional means. Interconnecting networks facilitate that process further. Even though the information may be disclosable, and therefore "public," this is an area of growing public unease.

Facilitate Data Gathering

Electronic information management makes it easier to collect and compile more information, including personal data. The public is concerned about possible inappropriate accumulation by government agencies of such data about individuals.

V. TASK FORCE RECOMMENDATIONS: SUMMARY

To the extent possible, the Task Force operated on a consensus basis, reaching conclusions which the members could either endorse, agree to, or sufficiently tolerate. The following recommendations, many of which are either repeated or suggested in the accompanying text of the Task Force report, may indicate such language as "the Task Force recommends," or "the Task Force believes." Such language should not be construed as representing universal agreement by every member of the Task Force, but rather the result of the consensus process.

RECOMMENDATION 1	DETAIL
<p>IMPORTANCE OF ELECTRONIC ACCESS</p> <p>State and local governments should set a high priority on providing, improving, and enhancing electronic access to government information, based on the current Public Records law.</p>	<ul style="list-style-type: none"> • Government information is a vital resource to both governmental operations and to the public which government serves. This information, must be managed with great care to meet the immediate and long term objectives of citizens and their governments. • Broad public access to state and local information has potential for expanding citizen access to government information and for improving government services. • Electronic methods for locating and/or transferring information can improve linkages between and among citizens, organizations, businesses, and government.
<p>The Legislature should not restrict individual state agencies with regard to how and to what extent they achieve electronic public access to information. The state has a critical role in enhancing information access services to the public.</p> <p>"Widespread, public electronic access" (Chapter 42.17.261 RCW) should not mean that all state government documents should be presently made available through an online network or information system.</p>	<ul style="list-style-type: none"> • As citizens gain experience with electronic information services, their expectations expand beyond just accessing information to receiving services and conducting business transactions online.

RECOMMENDATION 2	DETAIL
<p>PUBLIC RECORDS LAW (Chapter 41.17 RCW)</p> <p>The Task Force does not recommend wholesale changes to the Public Records law at this time, however, the law may need to be clarified.</p>	<ul style="list-style-type: none"> • The Public Records law, which applies to records in paper, electronic, and other formats, is the most crucial element in framing the policies and practices that make information available to the public. The public's concern about electronic collection, use, and distribution of personally identifiable information may not be adequately addressed by the law. • Current Public Records law does not flatly prohibit public disclosure of some 55 categories of information. The law gives agencies or local governments the authority to decide whether or not to disclose these records. Agencies need clear direction regarding inclusion of these records in online services. • RCW 42.17.258 protects governmental units or employees from liability for the accuracy of government information while complying with the law in good faith. The law needs to be extended to protect agencies and their personnel providing electronic information services that are neither required by the Public Records law nor offered in response to requests for information made by the public. • A definition of the elements that may be included in copying charges does not exist in the Public Records law and needs to be specified and adopted. • The current law states that any charges for responding to public records requests should be limited to the actual cost of satisfying the request. The definition of what may and may not be included in "actual costs" needs to be standardized across governmental units. • Current law protecting the confidentiality of persons requesting records (Chapter 42.17.270 RCW) should be amended to state that governments should gather personally identifiable data about requesters only to the extent necessary to permit billing or to provide specific services.

RECOMMENDATION 3	DETAIL
<p style="text-align: center;">PRIVACY</p> <p>Government agencies should collect and retain only information necessary for the operation of government, maintaining a balance between open access to government information and data, and the fundamental right of individuals to privacy and confidentiality.</p>	<ul style="list-style-type: none"> • Privacy concerns are best addressed by good information policy that adequately defines the notion of personal privacy and creates privacy guidelines that allow agencies to make sound day-to-day decisions. • Whenever possible, information should be collected only with the knowledge and consent of the person who is the subject of the data. Individuals should have ready access to data about themselves. • Individuals, organizations, and enterprises providing information to governments should be protected from unwarranted invasion of privacy. • State and local governments should be aware that the electronic posting of personally identifiable information may be copied, used, and shared by third parties. For this reason, they should minimize posting personally identifiable information about private citizens. • Agencies should follow retention and archival schedules, retaining personally identifiable information only as needed to carry out the purpose for which it was originally collected. • Methods should be employed to readily and inexpensively withhold or mask nondisclosable data elements. • The 1973 "Code of Fair Information Practice for the electronic era" which was the basis for the Federal Privacy Act of 1974, forms a basis for privacy issues -- including principles of openness, individual participation, security, and accountability; and limitations on data collection, quality, use, and disclosure.

RECOMMENDATION 4	DETAIL
<p style="text-align: center;">COSTS AND FEES</p> <p>Funding to meet the cost of providing for access -- including the building of information systems, the digitizing of information, information management, and maintenance and upgrade of information systems -- should come from state and local appropriations, federal dollars, grants, private funds, cooperative ventures among governments, and public/private partnerships.</p>	<ul style="list-style-type: none"> • A sizable investment in digitizing information and redesigning systems lies ahead to ensure widespread access to government information. Agencies should not be required to modify existing systems just to provide public access, since the costs for doing so would be prohibitive. • The Legislature should provide incentives for agencies to pursue development of electronic access systems by approving agency budget requests for innovative and cost effective electronic access proposals. The Legislature should also consider agency budget requests for inter-agency and inter-governmental projects. • Funding of electronic public access systems should not come at the expense of other high-priority agency services.
<p>Governments should work to minimize or eliminate costs for achieving electronic access to government information.</p>	<ul style="list-style-type: none"> • The public should have at least one avenue of no-cost access to the highest caliber version of any publicly funded government information system that serves an outside constituency, perhaps through access to the state's officially designated depository libraries. • Fees charged to provide information or records should be limited to direct costs of satisfying a request, not including system or agency overhead, or system maintenance or upgrade. • Charges for withholding/masking nondisclosable data should not be passed on to the requester. • Fees for access or copying should be standardized. • Low cost or no cost electronic access should be in readily usable forms and formats.
<p>Agencies should not offer customized electronic access systems as the primary way of responding to requests for information or as a source of revenue.</p>	<ul style="list-style-type: none"> • Agencies should take steps to design flexible systems to minimize the need for customized services. • Premiums may be placed on custom levels of service so long as low-cost or no-cost electronic public access alternative are available.

RECOMMENDATION 5	DETAIL
<p style="text-align: center;">PLANNING</p> <p>Public demand and governments' missions and goals should drive the selection and prioritization of government information that is to be made available electronically.</p>	<ul style="list-style-type: none"> • While cost-effective, universal access to all state documents may be achievable in the future, current technological and cost restraints require that state and local governments establish priorities based upon their own specific agency goals and needs, and those of the public they serve. • Governments should determine what information the public wants and needs most. • A demand-driven approach is best-suited to maximizing the amount of useful government information made available electronically. • Governments should balance the need for individual agency technology planning and the need to coordinate such planning across agency boundaries.
<p>Goals and strategies for electronic access to public information should be added to government planning procedures. Specifically, strategies for electronic access should be incorporated into all levels of technology planning -- state, agency, and project.</p>	<ul style="list-style-type: none"> • The Information Services Board should amend the <i>"State Strategic Information Technology Plan"</i> to include goals and strategies for determining the degree to which direct public access is appropriate; making information electronically accessible by the public; determining public demand for data and information; and protecting personal privacy. • The Information Services Board should add public access needs to the analysis phase of new information systems. • A method of readily withholding non-disclosable data and information from public records should be a consideration in the design or procurement of all new electronic access systems.
<p>"Widespread, public electronic access" should not be interpreted to mean that all government information should be made available on an online network or information system.</p>	<ul style="list-style-type: none"> • Agencies need to plan for electronic public access where appropriate when redesigning and rebuilding their information handling systems. • Future incremental increases in the level of electronic access can be facilitated by ensuring that systems being designed today are being done so with an eye toward their future incorporation into electronic access services.

<p>Recommendation 5: PLANNING, continued.</p>	<ul style="list-style-type: none"> • Agency efforts should focus on providing electronic access to current information, making archival material available digitally only as resources allow or a need arises. • The Task Force also does not recommend requiring agencies to "retrofit" existing computer systems to provide for public access.
<p>RECOMMENDATION 6</p>	<p>DETAIL</p>
<p style="text-align: center;">STANDARDS</p> <p>Standards should be established that promote public access to information, coordinating government efforts to better ensure interoperability and ease of use by the public.</p>	<ul style="list-style-type: none"> • Statewide technical standards for government-provided public access networks are an essential component of acceptable and reliable public access service. • Reasonable standards for common formats and indexes should be established across state and local jurisdictions, in a cooperative venture including such entities as the Information Services Board (ISB), the State Library, the State Archives, and appropriate representatives of local jurisdictions. • The ISB should continue to monitor evolving access technologies and to establish standards that promote and facilitate electronic information sharing.

RECOMMENDATION 7	DETAIL
<p data-bbox="430 268 586 296" style="text-align: center;">BARRIERS</p> <p data-bbox="175 338 802 470">Governments should provide for a variety of assistive technologies and alternative information access methods to help overcome physical and geographical barriers to public information.</p>	<ul data-bbox="862 338 1523 1121" style="list-style-type: none"><li data-bbox="862 338 1523 436">• Electronic access systems need to be designed for use by all citizens and the public needs to be involved in the process.<li data-bbox="862 478 1523 646">• Governments should consult with people who have disabilities when planning new electronic public access projects with a view to incorporating appropriate assistive technologies in the design of such systems.<li data-bbox="862 688 1523 814">• Agencies should be encouraged to explore new technological tools that transcend geographic locations, closed hours of business, economic conditions, or abilities of the user.<li data-bbox="862 856 1523 1121">• The Information Services Board should expand the <i>"State Strategic Information Technology Plan"</i> to include specific goals and strategies for designing access systems to accommodate persons who use assistive technologies and people who use other electronic technologies to access government information.

RECOMMENDATION 8	DETAIL
<p data-bbox="277 268 683 300" style="text-align: center;">MULTIPLE TECHNOLOGIES</p> <p data-bbox="151 338 795 472">Governments should plan to accommodate access from multiple delivery systems and technologies in order to assure ongoing and wide public access to electronic information and services.</p>	<ul data-bbox="841 338 1490 1127" style="list-style-type: none"><li data-bbox="841 338 1490 541">• No one technology can address all the needs for providing public access, nor is government the only player. Using a variety of technologies such as telephone, computers, kiosks, etc. will increase opportunities for electronic access to government information.<li data-bbox="841 583 1490 751">• Designing access for multiple delivery systems and accommodation options will not only help persons who use assistive technologies but also will assist people who use other electronic technologies to access government information.<li data-bbox="841 793 1490 888">• Community-based networks can complement those of government at all levels to enrich the diversity of opinion available to the public.<li data-bbox="841 930 1490 993">• Governments should continue their efforts in the innovative use of appropriate technologies.<li data-bbox="841 1035 1490 1127">• Governments should not enter into exclusive contracts that limit public access to information.

RECOMMENDATION 9	DETAIL
<p style="text-align: center;">GOVERNMENT INFORMATION LOCATOR SERVICE</p> <p>Develop easy to use, intuitive, information locator tools.</p>	<ul style="list-style-type: none"> • Government information often exists in multiple locations, jurisdictions, and on a variety of computer platforms. A locator service is an electronic access tool that identifies public information resources throughout government, describes the information available in those resources, and provides assistance in obtaining the information. • The Task Force urges the Legislature to fund a pilot project to establish a public information locator service and to study related long term issues such as consumer demand, governance and sustainable funding. If a pilot is successful, then the Task Force urges the Legislature to fund construction and implementation of a complete locator system. • Planning and implementing a pilot and full project should proceed cooperatively, involving the State Library, Department of Information Services, State Archives, other appropriate entities.
RECOMMENDATION 10	DETAIL
<p style="text-align: center;">EDUCATE</p> <p>Educate government employees in using and implementing technology to serve the public. Inform the public how to effectively use technology to obtain government information and services.</p>	<ul style="list-style-type: none"> • Establishing a core of specialists to educate government employees in the use of electronic technology, so they in turn can assist the public in accessing information, would yield significant benefits. Such training opportunities could be coordinated with the existing education technology centers. • The same core of resource people could inform the public about the government office of the future and how to use technology to provide them with information access.

RECOMMENDATION 11	DETAIL
<p data-bbox="277 268 699 300" style="text-align: center;">ACCURACY AND INTEGRITY</p> <p data-bbox="159 373 800 472">Adopt laws, policies, and procedures which assure the accuracy and integrity of government information and data.</p>	<ul style="list-style-type: none"> <li data-bbox="847 373 1466 577">• Government information policy needs to address how information and data should be handled throughout all segments of the life cycle including its collection and creation; organization and storage; dissemination or access; and archiving, retaining, or deleting. <li data-bbox="847 615 1503 714">• To the extent possible data and information should be collected directly from the individual who is the subject of the data. <li data-bbox="847 751 1503 1060">• The individual about whom data or information is collected or maintained should have ready access to that data. Procedures above those provided by the Public Records law should be designed and implemented for citizens to access his or her own information, as well as procedures for correcting inaccuracies in that data or challenging the need for government collection of that data. <li data-bbox="847 1098 1463 1197">• Disclosures of data or information should include an overall indication of when it was created or captured. <li data-bbox="847 1234 1471 1402">• To protect the integrity and accuracy of records, as well as nondisclosable exclusions provided for in law, governments should implement procedures and systems that deny unauthorized access to data.

RECOMMENDATION 12	DETAIL
<p style="text-align: center;">NEXT STEPS</p> <p>Use the results of the Task Force's work in forming legislation and setting government policies and procedures.</p>	<ul style="list-style-type: none"> • As the Legislature develops and considers policy and budget legislation concerning public electronic access to information, the Task Force urges it to use this report as a major source of information. • As state and local agencies move to provide or increase public electronic access to information, the Task Force urges them to use the work of the Task Force as a guide.
<p>Complete work on issues the Task Force did not resolve.</p>	<ul style="list-style-type: none"> • The Task Force urges the Legislature to take action at least as follows: <ul style="list-style-type: none"> • Consider and resolve privacy issues which may not be resolvable within the current Public Records law; • Clarify and resolve remaining costs, funding, and fees issues; • Fund a government information locator service; • Consider and decide issues in state and local government copyright of government-produced information; • Consider and take measures to ensure security in public/government electronic transactions.

VI. ISSUES NEEDING FURTHER INVESTIGATION OR CLARIFICATION BY THE LEGISLATURE

The Task Force's charge, when fully articulated and explored, proved to be far more complex than first recognized. Costs and privacy issues, in particular, proved to be "rooms with many doors." In some cases, the Task Force had inadequate information to reach conclusions; in others, the information available was open to wide interpretation; in still others, the information available was either contradictory or unclear. Finally, particularly in some areas of privacy, the Task Force came to a consensus after many months of discussion and debate -- one which did not thoroughly satisfy Task Force members, but which allowed the group to reach conclusions and move to other issues within the time frame available.

A. Costs of Copying or Access: Definition, Clarification, Standardization

The Public Records law permits "reasonable charges" for making copies of public records. While the law provides some guidance on what can constitute the basis for assessing a charge, it is open to so much interpretation that fees for copying vary widely from agency to agency. This situation is frustrating and confusing to the public in a paper-based environment. It may prove even more troublesome in an electronic environment.

The Task Force urges the Legislature to further define what may and may not be included in "incremental costs," or the actual cost of responding to an inquiry, and to pursue standardization of any necessary costs and fees across agency lines.

B. Sufficiency of the Public Records Law in an Increasingly Electronic Environment

The Task Force had divergent opinions about the application of the Public Records law in an electronic environment. After much debate, the Task Force decided not to recommend wholesale changes to the law, but to apprise the Legislature of potential areas of inadequacies in the twenty-three year old Open Records Act. Among the major areas of concern are:

- The current law differentiates between "inspection" and "copying" of public records. The line between the two activities is fairly clear in a paper-based environment. However, there may not be a clear distinction between inspecting and copying in an electronic environment. This subtle, but very important, concept needs further clarification.
- The public has expressed concerns which generally fall within the area of "ease of access" and ease of compiling extensive files as a potential threat to personal privacy. Making even disclosable personal information widely and readily available is emerging as a major point of public concern.
- Washington's public records law identifies numerous types of information which may be exempt from public inspection and copying. Unlike other states, in which exempt information must not be disclosed, Washington's law permits agencies to withhold exempt information but does not prohibit its disclosure. The Task Force received public comment in this area of discretionary disclosure. It is not entirely clear how the discretionary disclosure concept can be applied to electronic government information. There also appears to be public concern that disclosure varies from government to government and from agency to agency, and sometimes from circumstance to circumstance.

Current public records laws may not be sufficient to deal with the emerging and intensifying public concerns about personal privacy in an electronic information environment.

C. Establishing Copyright Policy for State and Local Government Publications, Information and Data

The federal government is prohibited from copyrighting federally produced information. Washington State Constitution and the RCW is silent on this subject, neither permitting nor prohibiting the practice. This has resulted in some state agencies copyrighting their publications which theoretically gives the agency the same rights as an individual author to control distribution. This may conflict with the intent of the public records law.

The Task Force recommends further exploration of the subject of copyright of state government produced materials, with a legislative determination made to either permit or prohibit the practice.

D. Personal Privacy in Electronic Transactions Between Citizens and Government

While the Task Force's mandate was to concentrate on achieving electronic access to information, discussions evolved naturally to include potential applications of that access, including easier service delivery and consumption by citizens. Some of the public's general privacy concerns also apply in the area of electronic service transactions, but others are either new or intensified in emerging service delivery mechanisms.

The Task Force recommends further investigation of the potential benefits and drawbacks of electronic service transactions between citizens and government, particularly in the area of security and personal privacy.

E. Electronic Transaction Security

Government agencies are exploring options for transacting business and exchanging information with citizens electronically. In anticipation of increased electronic transactions, the 1995 Senate Energy, Telecommunications and Utilities Committee held informational hearings discussing legal concerns regarding security of online correspondence and transactions.

The Task Force anticipates that the Committee and the Legislature will continue to explore these matters and to develop strategies to ensure the integrity and security of sensitive correspondence and transactions and to protect consumers and government institutions from computer fraud or negligent dissemination of private information to third parties.

VII. DESCRIPTION OF GOVERNMENT INFORMATION AND IDENTIFICATION OF CONSUMER PRIORITIES FOR ELECTRONIC ACCESS TO GOVERNMENT INFORMATION

A. Description of Typical State and Local Government Information and Data

Government information is a vital resource to both governmental operations and to the public which government serves. This information, must be managed with great care to meet the immediate and long term objectives of citizens and their governments.

The move to electronic records and information management results in a significant change in how information is managed and delivered, but the content and nature of information are largely the same. Electronic access puts a new spin on some existing societal issues, intensifying concerns in areas such as personal privacy and confidentiality. Future developments in electronic access may result in the creation of new forms of information that cannot be predicted today.

Government information and data is complex and variable but general categories can be identified as:

- Information or data relating to and identifiable as an individual, organization or business which is necessary to execute specific governmental operations.
- Statistical data which identifies trends or totals relating to services, funding, etc., and is not identifiable or traceable to a specific individual, organization or business.
- Research or other subject related information created or compiled as a governmental unit accomplishes its mission.
- Laws, judicial decisions, administrative codes, and records of meetings or hearings of governmental units including the state legislature, local or state councils, commissions, districts, and courts.

Information and data have an identifiable life cycle that exists regardless of electronic or print form. Government information policy needs to address how information and data should be handled throughout all segments of the life cycle including its collection and creation; organization and storage; dissemination or access; and archiving, retaining or deleting.

B. Identifying Consumer Priorities for Government Information or Data

Public demand should drive the selection and prioritization of government information that is to be made available electronically. In its 1994 *"Initial Recommendations,"* the Task Force recommended that "high use materials and basic government information should be among the first materials made available electronically." *The Task Force continues to believe a demand-driven approach is best-suited to maximizing the amount of useful information made available electronically.* Government should, however, be mindful that the demand for certain information or data may have been infrequent in the past for a number of valid reasons. Where this may be the case, strict adherence to a demand-driven approach may be inappropriate.

Historic use of published state documents and reports, coupled with requests for information received by the state telephone operator, by libraries, and by various state agencies provides an initial indication of what is in demand. This picture is supplemented by use of information recently made available at kiosks and through the Internet.

The State Telephone Operator Service logs over 120,000 calls a year from people requesting directory information. They most frequently request information about:

- Location of nearest Welfare or Community Service Office
- State Park Reservations
- Automobile Licensing
- Driver Licensing
- Air Pollution
- Tourism
- Legislative Information
- Residency Requirements
- Vital Records
- Child Protective Services

Beyond directory information, people of Washington seek information from libraries and their governments about legislation and governmental decision-making processes that effect them and their communities. Examples of government information frequently requested from libraries and agencies are:

Laws, Regulations and Judicial Records

Examples include text of the "*Revised Code of Washington*," the "*Washington Administrative Code*," and appellate court records as well as interpretive commentary and guidelines to facilitate compliance with law. Similarly, citizens seek information about local regulations and other requirements.

Proposed Legislation, Initiatives and Referendums

The text of, and commentary on, bills introduced in the Legislature as well as policy initiatives and priorities proposed by the Governor and other political leaders are requested by citizens to determine how they might be effected and so they can provide information for the decision-making process.

Descriptions and Schedules of Decision-making Processes

People want to know not only what is being discussed in the state capitol, and in their local government, but also how to introduce their ideas into governmental deliberations.

Budget Information

Where do the tax dollars come from and where do they go? The "*Governor's Proposed Operating Budget*" and "*Local Government Comparative Statistics*" are popular titles, as are publications about municipal and county budgets and expenditures.

Statistical Data

Data that offers state totals and breakdowns by city and/or county is frequently requested. Examples of titles are "*Employment and Payrolls in Washington State By County and By Industry*," "*Crime in Washington State*," "*Annual Demographic Information Service Delivery Areas[s]*," and "*Washington State Vital Statistics*." These sets of aggregate data answer important questions about trends, problems, and opportunities in our communities and our state.

Equal Opportunity and Economic Assistance

This includes information such as notices for jobs, contract bidding, grants, and training. People need to know what openings, programs, and services are available and how to apply for them.

These priorities, observed by state agency personnel and librarians receiving and distributing government documents, parallel findings on the information needs of citizens active in civic organizations. In the book *Armed for Action*, Joan Durrance reports that citizen leaders need "real" issue and related background information; site conditions, costs and benefits, and legal implications of proposed projects and programs; statistical data for comparisons and projections; environmental impact data; examples from other cities or counties; and political know-how.¹

As citizens gain experience with electronic information services, their expectations expand beyond just accessing information to receiving services and conducting business transactions online. A recent online survey of users of the Washington Interactive Network (WIN) kiosks points to both a demand for directory information and an interest in completing their transactions online. For example, the question, "Where can I renew my car tabs?" becomes "Can I renew my car tabs using the kiosk?"

¹ Joan Durrance, *Armed for Action*, New York: Neal-Schuman, 1984.

Agencies' missions and goals are important in determining the content of information services to be offered electronically. They should identify specific information frequently requested by citizens and focus on the most heavily used forms, guides, tabulations and reports when creating a core set of documents for electronic access. The number and patterns of subsequent requesters should then guide further development of public access systems. This approach, demand-driven and evolutionary, will ensure that provision of information is based on the needs and priorities of citizens at the same time affording governments a chance to improve service delivery. Another benefit to both citizens and governments may be the availability of information that was previously rare or non-existent before new electronic technologies made access possible.

VIII. POTENTIAL ROLES OF STATE AND LOCAL GOVERNMENTS IN DEVELOPING ELECTRONIC PUBLIC ACCESS INFORMATION SERVICES

State and local governments are involved in efforts to provide or enhance public electronic access to information (*See Appendices A and B for selected examples*). A September, 1995 review indicated that 27 state agencies and 49 local governments had created home pages on the World Wide Web. All of the public four-year universities and eight of the states 29 community colleges had Web sites -- as did 14 school districts, 26 elementary schools, and 34 secondary schools. In addition, seven of the 20 state boards, commissions, committees, councils, and Task Forces -- including this Public Information Access Policy Task Force -- had created home pages. In some cases, governments or agencies acted alone in creating public electronic access. In other instances, they forged effective partnerships to strengthen projects or to avoid duplication.

While the Task Force believes that the Legislature should not restrict individual state agencies with regard to how, and to what extent, they provide public access to information, it does believe that the state has a critical role in enhancing information access services to the public. Specifically, the state has an essential role in developing technical standards, implementing planning requirements, establishing a government information locator service, and educating government employees about electronic access. Each of these roles is discussed below.

A. Developing Technical Standards for Governments

Statewide technical standards for government-provided public access networks are an essential component of acceptable and reliable public access service. Technical standards have numerous potential benefits such as ensuring interconnection and interoperability among agency computer systems and allowing agencies to share resources and work cooperatively to deliver electronic services to the public.

The State Information Services Board (ISB), a nine-member panel representing the judiciary, the Legislature, higher education, executive agencies, and the private sector, has the authority to establish telecommunications and computing standards for use by state government.² The ISB has established basic networking standards necessary for interconnection and operation of state information technology services. The standards were primarily adopted for agency-to-agency networking, allowing authorized agency personnel to access computer based data and information without regard to the location of the resource. The standards are also widely used for agency-to-citizen networking across multiple technologies. Other entities, including some local governments and the Washington School Information Processing Cooperative (WSIPC) adopted these standards. *The ISB should continue to monitor evolving access technologies and to establish standards that promote and facilitate electronic information sharing.*

² Revised Code of Washington, Chapter 43.105.041

B. Planning Requirements for Electronic Access to Government Information or Data

Planning for electronic access systems involves an assessment of a proposed system's desired social and regulatory objectives, an assessment of the best technology to achieve those benefits, an information management analysis, and a projection of the system's costs and fiscal benefits. Where an information system can provide existing government services at lower costs, or where it can greatly expand government services at little additional cost, its merits will be readily acknowledged.

In some cases, properly assessing these components is fairly straightforward. However, where an information system's benefits or costs are less clear, the decision by a state agency or local government whether to provide electronic access to information, as well as the manner in which such access is provided, should be a cautious and deliberate one. The decision should be based upon specific, well-defined objectives, projected demand, and anticipated costs.

Good planning proceeds in tandem with legislative and other entities who set project deadlines, to ensure that the timelines set are realistic and can be reasonably met. It is far preferable to set a longer schedule with a later deadline and meet it than to set an attractive, shorter deadline and either not meet it or perform inadequately in an attempt to meet it.

The Task Force recommends adding goals and strategies for electronic access to public information to state and agency planning procedures. Specifically, strategies for electronic access should be incorporated into all levels of technology planning -- state, agency, and project.

In addition to establishing technical standards for use by state government, Chapter 43.105. RCW directs the Information Services Board to establish the "State Strategic Information Technology Plan." The "Plan" sets forth statewide goals and objectives for the use of information technology and establishes a broad planning foundation for use by state agencies. *The ISB should amend the "State Strategic Information Technology Plan" to include state goals for increasing electronic access to public information. Amending the state plan will have a ripple effect of requiring agencies to document their individual plans for providing electronic access.*

The Task Force further recommends that a new element be added to the analysis phase of new information systems. If the information to be stored by the new system is not exempt from disclosure under Public Records law, or other statute, and if there is current or expected demand for access to the information, the project team should include public access in the system design. The costs and benefits of providing electronic access should be included in budget requests for funding the systems. Alternate access to the information should be proposed if the costs of electronic access are too expensive.

C. Developing an Electronic Government Information Locator Pilot Project

The Task Force recommends that the Legislature authorize and fund a pilot project to implement a government information locator service and to study related long-term issues such as consumer demand, governance, and sustainable funding.

Despite the proliferation of many electronic information services, citizens often have no knowledge about the existence of such services or how to access them. Possibly the single most important contribution that the Legislature can make to facilitate public electronic access to government information is to develop a mechanism by which citizens can readily locate non-protected government information and data collected by various state agencies.

An information locator service is an electronic access system designed to function like a library catalog. The service identifies where information resources are found within government, describes the information resource, and provides citizens with assistance in obtaining access to the information. A benefit of a locator service is that citizens can readily locate various pieces of information that may reside in one or more agencies. The system would provide linkages so people can navigate to any information that is available electronically.

The idea of a government information locator service is not a new one. Last year (1994) the federal government established the Government Information Locator Service (GILS), which may provide a useful model for a Washington State service.³ In addition, other states may provide useful models, including TechNet, a self-sustaining non-profit information service founded by the New Mexico State Legislature and SoliNet, a consortium of southern states.

D. Educating Government Employees about Electronic Access Services

An educational component needs to accompany government planning and developmental efforts. Many government employees have little or no training in developing and using electronic technologies for public service. Establishing a core of specialists to educate and to act as resources about electronic technologies would further the goal of achieving public access. These specialists could also provide information to the public concerning the benefits of electronic access to government information as well as ways to access existing electronic resources.

IX. CONSIDERATIONS IN IMPLEMENTING ELECTRONIC PUBLIC INFORMATION SERVICES

A. Prioritize and Implement Access Over a Period of Time

The Task Force does not believe that "widespread, public electronic access" should mean that all state government documents should be presently made available through an online network or information system. Agency efforts should focus on providing electronic access to current information, making archival material available digitally only as resources allow or a need arises. The Task Force also does not recommend requiring agencies to "retrofit" existing computer systems to provide for public access. Agencies need to plan for electronic public access where appropriate when redesigning and rebuilding their information handling systems.

While cost-effective, universal access to all state documents may be achievable in the future, current technological and cost restraints require that state and local governments establish priorities based upon their own specific agency goals and needs, and those of the public they serve. While obtaining these potential benefits is among the goals of widespread electronic access, the value of any particular government information system should not be assumed.

B. Ensure Equitable Access through Multiple Delivery Systems and Assistive Technologies

The Task Force recommends that state and local governments plan to accommodate access from multiple delivery systems and technologies. For state agencies, the Information Services Board should expand the "State Strategic Information Technology Plan" to include specific goals and strategies for designing access systems to accommodate persons who use assistive technologies and people who use other electronic technologies to access government information.

³ Office of Management and Budget, Bulletin No. 95-01 (December 7, 1994).

Agencies are using a number of ways for people to gain electronic access. No single tool is appropriate for meeting all the information and service needs of a diverse citizenship. For example, community-based computing networks lend themselves to information exchange within communities,⁴ a fax back service is well suited to handling multiple requests for routine information, hotlines provide timely responses to custom information requests, and electronic kiosks keep government open after hours. In a multiple platform environment, the strengths of one delivery system can militate against the limitations of another, thus providing diversity of access for the widest range of users.

The Task Force recommends that government consult with people who have disabilities when planning new electronic public access projects with a view to incorporating appropriate assistive technologies in the design of such systems. This will go far to ensure all people can use the same databases and applications.

To be useful, government information must be provided in a form that can be used by the person requesting the information. The Task Force heard testimony that this observation is sometimes lost on those who plan electronic delivery systems in the public and private sectors.⁵ People with limitations of vision, hearing, or mobility must be assured full access at a level that is equivalent to people without disabilities. Additionally, planners need to acknowledge and accommodate the public who use myriad versions of new and old software and operating systems.

Innovations that add value to one group of users may erect barriers for another group. A prime example is Graphical User Interfaces (GUI) software which allows users to "point-and-click" on a computer screen. This software may exclude non-sighted users, even though it may make computer use easier for other persons. Audible tones or verbal directions, unless displayed visually for people with hearing impairments, or inaccessible physical design of public computer installations, may also exclude potential users of electronic access.

Multiple delivery systems provide accommodation options, ranging from speech synthesizers to Telephone Relay Services (TDD) that can assist in solving access problems. There are also laws and regulations which provide direction and guidance including:⁶

- Public Law 101-336, Americans with Disabilities Act which states that "communication barriers must be eliminated to prevent individuals with disabilities from enjoying equal opportunity to participate in and benefit from programs, services and activities of state and local government entities."⁷
- Public Law 100-542, Telecommunications Accessibility Enhancement Act of 1988 which mandates a proactive approach within government to advancing accessibility to the Federal telecommunications system; and
- Public Law 99-506, Section 508, Reauthorization of the Rehabilitation Act of 1973 which makes explicit the importance of information technology to meet mission responsibilities for accessibility to Federal programs and facilities.

⁴ Christopher R. Conte. "Teledemocracy for Better or Worse," *Governing*, June 1995: 33-41.

⁵ Testimony from members of the Governor's Committee on Disability Issues and Employment, August 29, 1995.

⁶ U.S. General Services Administration, Information Resources Management Service. *Managing Information Resources for Accessibility*, December 1991.

⁷ Testimony from members of the Governor's Committee on Disability Issues and Employment, August 29, 1995.

C. Description of Potential Electronic Delivery Technologies

Agencies have selected a variety of information technologies to further their respective missions. In addition a variety of delivery forms provide citizens a choice of the most useful technology that is the most convenient, and best meets their purposes. (See Appendix A for a discussion of various technologies used by agencies.) The choice of phone, video, fax, kiosk, or the Internet as the basis of electronic delivery systems, (briefly described below) depends on the publics' needs.

- **Internet and the World Wide Web**

The Internet is an international web of interconnected networks--in essence a network of networks. It supports both text and non-text communications. The World Wide Web is a mechanism that allows a person to view information all over the internet using a single interface, including a graphical one such as Netscape or Mosaic. The Internet provides an enormous capacity for delivery of government information, as well as encouraging electronic discussion of government issues between and among citizens and their elected representatives. The Washington Education Network demonstrates another effective use with its interconnection among schools, Educational Service Districts, and the Office of the Superintendent of Public Instruction.

- **Community-Based Computer Networks**

These networks, e.g. Free-Nets, provide communities with no- or low-cost access to the Internet. Their mission often includes providing rapid and inexpensive communication with elected representatives at city, county, state, and national levels. Community networks in Washington are currently operating in Seattle, the Tri-Cities, six northeast counties (Tin Can), and Kitsap County.

- **Electronic Kiosks**

Kiosks, located in central public areas, such as shopping malls, are computer based installations similar to bank automated teller machines that combine sound, video, and graphics to extend access to state and local government services and information through touch screens. Examples of uses range from notice of government job openings, to information about State park reservations, and the state legislature.

- **Television and Interactive Video**

Currently, cable television reaches 67 percent of households,⁸ setting the stage for moving beyond one-way flow of information to a two-way communications tool.⁹ Interactive videoconferencing between geographically distant sites is already established in the Washington Interactive Television (WIT) of the Department of Information Services and at many community colleges and higher education institutions. This interactive videoconferencing provides the ability for citizens to participate in government activities, such as hearings, from geographical distances.

Still another facet of television service capacity is the independent, non-profit Television Washington (TVW) modeled after the national cable channel, C-SPAN. TVW's mission is to transmit live and unedited television coverage of state government proceedings and public policy events of statewide significance into homes, schools, and businesses throughout the state.

⁸ U.S. Census Bureau, "Census of Population and Housing Summary," Tape File 3C, 1990.

⁹ Witness TCI's proposal to test cable-based Internet access in Seattle.

- **Telephone**

Telephone is the original electronic public access system, now reaching 87 percent¹⁰ of homes. Citizens calls to government can be routed by telephone operators to help find individuals or services. Automated voice response systems, some with Fax-back capacities, increase access and can significantly reduce response time for citizens.

- **Personal Computers**

In 1993, the western states led the nation with 27.1 percent of all persons having access to a computer at home, four percent higher than the national average.¹¹ By some estimates, that number is now over 30 percent. On a national basis, the rate at which these home computers are equipped for, and connected to, the Internet or other online service still languishes at between eight and 14 percent. There is at least anecdotal evidence to indicate that these rates may be markedly higher in the Puget Sound region due to the computer-related goods and services industry in the area.

Some projections have long anticipated that the "drastic acceleration" of the computer industry would cause it to eclipse television as the communication medium of choice.¹² Use of computers on the job and at school indicate that 45.8 percent of all workers in the United States are using computers at work while 59 percent of all students -- prekindergarten through graduate school -- are using computers at school.¹³

Roughly half the population is still not connected to the online environment. Public libraries, local schools, community centers, and voluntary organizations attempt to provide electronic access to government information for these individuals.¹⁴ Electronic kiosks also provide electronic access in public places across the state. Electronic access systems must also connect to a human being who can offer assistance.

Despite impressive growth rates in networked computing, and very high penetration rates for conventional media, no single delivery mechanism reaches everyone. Taken together, multiple platforms help ensure maximum access for citizens of the state.

The Task Force encourages the development of electronic delivery systems across a number of technologies and from a variety of locations.

D. Funding of Development Costs and Fee Considerations for Electronic Public Information Access

The costs involved in providing electronic access to public information translate into a large set of issues and concerns. The central question, suggested in the Task Force's enabling legislation, is how government can provide the widest access to the greatest volume of information, to the largest number of people, for the smallest number of dollars. Few of the topics considered by the Task Force generated more discussion. The Task Force proceeded under several fundamental premises related to costs and fees:

¹⁰ U.S. Census Bureau, Census of Population and Housing Summary, Tape File 3C, 1990.

¹¹ Digest of Education Statistics, 1994, Table 410.

¹² George Gilder, *The Quantum Revolution in Microcosm Economics and Technology*, New York, Simon & Schuster, 1989: 307-316, 327.

¹³ *Digest*, Table 409, 411.

¹⁴ U.S. Congress, Office of Technology Assessment (OTA), *Making Government Work: Electronic Delivery of Federal Services*, Washington, D.C., U.S. Government Printing Office: October 1988.

- *Governments manage their information on behalf of the taxpaying public.*
- *Government information is a necessary tool to conduct public business, not a proprietary resource.*
- *The public has already paid to have the information created and therefore should not have to pay much, if anything, to gain access to it.*
- *Reselling government information can erect a significant barrier to direct and ready citizen access.*

The ensuing cost and fee discussions fell into three primary areas: funding sources for developing and maintaining government electronic access systems; fees charged to the public for copying or reproducing records or information; and fees charged to the public for use of government electronic delivery systems.

1. Funding Sources for Developing and Maintaining Electronic Access Systems

A sizable investment in digitizing information and redesigning systems lies ahead to ensure widespread access to government information, because much information is currently available only in paper and because most electronic databases were designed for specific use by government employees only. Governmental units have garnered funds for developing and maintaining these systems from a variety of sources. Many large systems received federal funds, others were developed through state budget appropriations.

The Task Force believes that the cost for building and maintaining electronic information systems, the digitizing of information, and dissemination of information should come from state and local appropriations, federal dollars, grants, private funds, and cooperative ventures among governments. The Task Force also encourages non-exclusive licensing and public/private partnerships for access to government information. Agencies should not offer customized electronic access systems as the primary way of responding to requests for information or as a source of revenue.

State and local government need a high degree of flexibility in developing electronic public access systems. The Legislature should provide incentives for agencies to pursue development of these systems by approving agency budget requests for innovative and cost effective electronic access proposals. The Legislature should also consider agency budget requests for inter-agency and inter-governmental projects. Funding such joint efforts will reduce the chance of duplication of effort and increase the likelihood of an integrated presentation of government information. Finally, funding of electronic public access systems should not come at the expense of other high-priority agency services.

2. Fees for Reproduction of Electronic Records or Information

The Public Records law clearly sets some limits on costs the public may be charged for copying paper based records. While the law allows agencies to impose a reasonable charge for providing a copy of a public record, agencies may not impose a fee for inspecting or viewing those same records. (Appendix F). The Task Force recognizes that a definition of the elements that may be included in electronic copying charges does not exist in the Public Records law and needs to be specified and adopted.

3. Fee for Access to and Use of Electronic Services

A number of agencies already provide electronic access to the public and some charge for that service. There does not appear to be a common standard for assessing such charges. However, because of previous legislative or regulatory actions, it is not possible for agencies to stop charging until a standard is developed.

The Task Force believes that fees charged to provide information or records should be limited to direct costs of satisfying a request, not including system or agency overhead, or system maintenance or upgrade. Charges for masking copying elements in existing databases should not be passed on to the public requesting information. It may be reasonable to charge for staff time and other direct costs in responding to standard or custom requests, so long as such charges do not pose significant barriers to public access, but this is an area that will require legislative clarification.

Agencies are not required by law to create customized electronic access services nor to compile information or data in response to a request. Premiums may be placed on custom levels of service so long as low cost or no cost electronic public access alternatives are available. Agencies should not rely primarily on customized services, but should design flexible systems to minimize the need for any regular provision of customized services.

The public should have at least one avenue of no cost access to the highest caliber version of any publicly funded government information system that serves an outside constituency, perhaps through access to the state's officially designated depository libraries.

E. Electronic Access is a Priority for all Government

The Task Force believes that agencies -- and the public they serve -- would benefit by providing some level of electronic information access services. In most cases, a modest level of online access, such as a World Wide Web site, can be achieved at little cost. Almost all government documents are prepared in electronic form, and in some cases can be provided to the public online through existing state services. Moreover, future incremental increases in the level of electronic access can be facilitated by ensuring that systems being designed today are being done so with an eye toward their future incorporation into electronic access services.

X. LAWS AND POLICIES THAT IMPACT PUBLIC ELECTRONIC SERVICES

A. The Nature of Public Disclosure Law in Washington State

Initiative 276, the Washington State "Open Records Act", was approved by the voters in 1972. The primary purpose of the Act is to allow any person to examine public records without censure or control, unless the records are specifically exempted from disclosure. As amended in 1992, the Act states:

"The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created. The public records subdivision of this chapter shall be liberally construed and its exemptions narrowly construed to promote this public policy." Chapter 42.17.251 RCW.

In establishing a right and a means of access to public records, the people ensured themselves a threshold of accountability by opening the processes of government to public view and scrutiny.

Government data in electronic form, which is covered by the Public Records law,¹⁵ can result in faster, easier access to personal data and information to the extent that such data and information is not exempt under current privacy restrictions. Changes in technology have increased the ability of third parties to readily obtain government records which may contain citizens' personal information, and to use and share the data contained in those records. The difficult problem for policy makers is to respond to citizens' concerns over access to government databases where the individually identifiable information is not otherwise exempt, balancing the considerations of access with those of personal privacy.

Some disclosure of personal information is necessary to ensure government accountability, the free flow of information necessary to voters and consumers, and the legitimate concerns of health, safety, and effective law enforcement. Without some disclosure, there would be no way for the public to audit the performance of government.

On the other hand, the state must ensure that its laws take into consideration the reasonable privacy expectations of its residents.¹⁶

The Open Records Act exempted from disclosure 33 categories of government documents, including personal information in files of public school students, hospital patients, welfare recipients, public agency employees, and appointed or elected officials. Other statutes exempt an additional 22 categories. It exempts law enforcement, library, and tax records as necessary to protect every person's right to privacy. The Act specifically bans the sale or provision of lists of individuals for commercial purposes.

Moreover, Chapter 42.17.255 RCW, defines a privacy violation as disclosure of information about a person that (1) would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public. The Washington courts, like those in other states, have had considerable leeway in interpreting this standard. For example, in a 1993 case involving the release of a county employee's personnel file, the Washington Supreme Court ruled that the term "legitimate concern," which is not defined by statute, should be defined as taking into account not only the level of public interest in the information, but also the public's interest in efficient government. The latter, it found, could be compromised if public employees were aware that their files were publicly available, both because it would lessen morale and because it would chill candor in the evaluation process.¹⁷

¹⁵ The Open Records Act clearly applies to records created or maintained in electronic form. It defines a public record as "any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." RCW 42.17.020(27)(emphasis added). The law in turn defines a "writing" to include "every... means of recording any form of communications or representation," including "Magnetic or paper tapes, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated." RCW 42.17.020(29)

¹⁶ See *Griswold v. Connecticut*, 381 U.S. 479(1965); Wash. Courts. art. 1, Sec.7 ("No person should be disturbed in his private affairs, or his home invaded, without authority of law.") See also, *Hearst v. Hoppe*, 90 Wn.2d 123 (1978).

¹⁷ *Dawson v. Daly*, 120 Wn.2d 782, 898-899 (1993). After conducting an in camera review of the files, the court found that personnel evaluation which did not reveal sustained misconduct were not releasable. *Id.*

In addition, the Open Records Act specifically excludes from its purview any "other statute which exempts or prohibits disclosure of specific information or records" (Chapter 42.17.260(1) RCW). There are some 150 such statutory provisions contained in various places in the "Revised Code."¹⁸ Moreover, there are several federal laws which address the balance between privacy and disclosure in certain state records.¹⁹

The Task Force is not recommending wholesale changes to the Public Records law, however the public's concerns may well warrant an evaluation of current processes, procedures, and laws related to public records -- recognizing that the balance between public access and personal privacy is not fixed, but changes as technologies advance, applications are tested, and personal and societal attitudes about privacy and the public interest evolve. It is not surprising that the Public Records law has been amended as both the legislature and the courts have regularly revisited issues arising from the application and interpretation of public records law.

The Task Force believes that privacy concerns are best addressed by good information policy that adequately defines the notion of personal privacy and creates privacy guidelines that allow governments to make sound day-to-day decisions. The definition of privacy in the state law may not be sufficiently definitive in an increasingly electronic environment; the Legislature may wish to set a comprehensive privacy policy which addresses growing citizen concern about personal privacy in a digital world. The Task Force also believes the following:

- *Government should only collect and retain information that is necessary for the operation of government. Clearly, privacy interests are best protected when the government refrains from unnecessarily collecting and retaining data in the first place.*

This principle has as its goal not only to protect citizens from potential intrusion into their personal lives and businesses -- both by government and by the public -- but to protect citizens and businesses from the burdens of complying with government requirements to prepare forms or provide documentation for matters not essential to governments' missions. While state and local governments should have broad discretion in determining what data is necessary to their particular missions, they should be ever mindful of the burdens on privacy, and on private citizens' time and resources, that come from state and local government paperwork requirements.

- *Personally identifiable information should be collected only with the knowledge and voluntary consent of the individual. For example, questions regarding the race of government loan applicants may be helpful in tracking demographics of loan recipients and measuring the success of a program, but are not essential to the actual processing of the loan. Such information should be collected only at the option of the individual, and consent should not be a condition of receiving government benefits.*

¹⁸ See Appendix G. Exemptions to Washington Public Records Act: A Study Prepared for the Seattle Times" by Michael J. Killeen and Debora K. Kristensen, Nov.8, 1991.

¹⁹ See e.g., 20 U.S.C. Sec. 1232g(b) (denying federal funds to any educational institution that permits release of students' educational records or other personally identifiable information without consent of parents); 42 U.S.C. Sec. 503(i) (authorizing Secretary of Labor to suspend payments to states which fail to comply with federal safeguards of personal information used to determine eligibility for unemployment benefits).

- *To the extent possible, government should collect data and information directly from the individual who is the subject of the data. Though such a standard has its practical limits,²⁰ it could still work to restrict aggressive data collection from third parties whose data may be inaccurate or dated, and in many cases to provide a form of notice to the individual that the government is collecting data about him or her.*
- *The individual about whom data or information is collected or maintained should be provided a means of ready access to that data. This is the current policy at the federal level,²¹ and it is premised on the notion that inaccurate data can compromise privacy by portraying citizens in a false light. *Procedures for citizen access to his or her own information above those provided by the Open Records Act, as well as procedures for correcting inaccuracies in that data or challenging the need for government collection of that data, should be designed and implemented.**
- *Current law protecting the confidentiality of persons requesting records (Chapter 42.17.270 RCW) should be amended to state that governments should gather personally identifiable data about requesters only to the extent necessary to permit billing or to provide specific services.*
- *The state should require that a method of readily withholding non-disclosable data and information from public records be a consideration in the design or procurement of all new systems involving data and information created in or converted to electronic form. Currently, Chapter 42.17.260 RCW requires that "[t]o the extent required to prevent an unreasonable invasion of personal privacy," agencies delete identifying information when it makes available or publishes any public record. It also requires the agency to justify each deletion in writing.*

In many cases, current practice is to delete exempt information from records only at the time that a request for records is made under the Open Records Act, a practice often necessitated by limits in original systems design. This can be an expensive and time-consuming process, the costs of which are often passed on to the party requesting the records. By incorporating into new data processing systems a procedure for identifying non-disclosable data at the time of a records' creation, agencies may more quickly and cost-effectively withhold non-disclosable data when responding to open records requests.

Moreover, because exemptions may change over time, new systems should be designed with the ability to withhold personally identifiable information to meet public needs. Such procedures would militate against undue accumulation of data by agencies sharing electronic data files by allowing agencies to share only data that is necessary to the mission and function of the agency receiving data.

The Task Force does not recommend that agencies be required to modify existing systems, since the costs for doing so would be prohibitive.

The state should ensure that state agencies and local governments adhere to strict retention schedules with regard to electronically posted materials. Electronic information should include an indication of the date the information was created or captured, and should be posted no longer than allowed under retention schedules established by the state Archivist.

²⁰ For example, government agencies cannot assume the accuracy of financial information provided by the person whose financial status may determine eligibility for a benefit.

²¹ See the Privacy Act of 1974, 5 U.S.C. Sec. 552(a)(1976).

Potential privacy concerns can be lessened by the following steps:

State and local governments should be aware that the electronic posting of personally identifiable information may be copied, used, and shared by third parties. For this reason, they should minimize posting personally identifiable information about private citizens.

The state should clarify whether public data and information which are exempt from disclosure requirements of the Public Records law should be excluded from electronic information services. The Task Force notes that for some 55 categories of records, current law does not flatly prohibit public disclosure, but makes disclosure discretionary upon the agency or local government. Agencies developing public electronic services should be given direction regarding the inclusion on an online service of any records contained in these categories.

B. Privacy Concerns Raised in Public Comment to the Task Force

During the public comment period, the Task Force received many comments on the subject of privacy. The concerns are summarized below:

Public electronic access systems heighten privacy concerns if the information provided contains personally identifiable data. Increased electronic access and improved technologies raise issues of balancing personal privacy with public access that did not exist to the same extent or at all in the primarily paper-based environment of the 1970s when the Open Records Act was passed. Balancing societal interests involves consideration of specific facts and circumstances.

There is a fundamental assumption in this country that individuals have a right to conduct their lives free from undue governmental interference. However, to provide services citizens want and need, to protect the interests of society and, to be accountable to the public, government must sometimes collect personally identifiable information about individuals. Some of that information should not be widely distributed. Inherently, these situations are compatible within the Open Records Act, depending upon where society draws the line between protecting society (the "public interest") and the individual. That line has shifted over time in various directions, resulting in a sizable list of exceptions to the Open Records Act. (See Appendix G, Exemptions to the Open Records Act). However, because that line continues to move over time, it is likely there will remain a dynamic tension between the two sometimes compatible, sometimes conflicting, concepts.

Governments collect information about citizens in the course of implementing their missions. Electronic data is by its nature a more powerful resource for research and inquiry than comparable data on paper or microfilms. The fact that this information has been collected by government makes it a public record whether or not disclosable under the law. The great flexibility in data management and manipulation, coupled with such rapidly growing access tools as the Internet, present governments with the twofold challenge of meeting public demand for more electronic information while maintaining appropriate confidentiality of personally identifiable information.

Ease of access to information may also bypass another fundamental mechanism in government information dissemination -- that of an intermediary, or "person in the middle" of the transaction. Traditionally, people needing government information either write, telephone or physically go to an office to request that information. Given that some information is clearly "public" under the law; some is clearly "private;" and some is disclosable only under certain circumstances, the government office might need to verify that the requester has a legitimate right under the law to receive that information. That same intermediary might also help focus the inquiry and explain the resulting information. Direct electronic access to information could eliminate that intermediary, potentially resulting in unauthorized access to personally identifiable information and/or misinterpretation of information.

Another issue relates to the use of personal identifiers, such as the Social Security Number, as primary keys for more than one database. Unique universal identifiers greatly facilitate the potential for compiling personal profiles through computer matching. Legitimate multiple uses of these identifiers do exist, such as reducing or eliminating fraudulent use of government services. However, the public is understandably concerned about potential use of such identifiers beyond the purpose for which they were originally assigned and legislatively designated.

C. Liability for Inaccurate Data

Current state law protects the government from liability for providing inaccurate data in response to an open public records request. Chapter 42.17.258 RCW states:

"No public agency, public official, public employee, or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon the release of a public record if the public agency, public official, public employee, or custodian acted in good faith in attempting to comply with the provisions of" [the Open Records Act].

This provision furthers the goals of widespread public disclosure by removing potential liability for a government, and government personnel, so they may be less concerned about responding to open records requests.

While this provision is satisfactory with regard to agency personnel complying with open records requests, it arguably is not sufficient to protect agencies and their personnel with regard to electronic information services that are neither required by the Open Records Act nor offered in response to requests for information made by the public.

Because the goal of providing widespread electronic access to information would be frustrated if agencies feared that such services could expose them to financial liability, the Legislature should clarify liability for any loss or damage based upon the good-faith dissemination of government data and information through electronic information services.

The Legislature should consider creating a qualified privilege for individuals or private companies which may in good faith and without knowledge of its falsity disseminate government data and/or information to the public. The qualified privilege would be akin to the current libel law privilege that shields from liability newspapers and other media that republish inaccurate material disseminated in an official proceeding such as a legislative or court hearing.²²

²² See Restatement of Torts, 2d ed., American Law Institute (Philadelphia 1975). In libel law, this privilege applies to coverage of "a report of any official proceeding or any meeting open to the public which deals with matters of public concern," so long as republication is "accurate and complete, or a fair abridgment of what has occurred." Id.

XI. APPENDICES

APPENDIX A: CURRENT LANDSCAPE/MULTIPLE PLATFORMS

Many state and local governments are currently offering electronic information services of some kind. Numerous examples of innovative public access applications exist at all levels and branches of government. They are all working on new ways to push government services out to citizens and draw them in to government. Indeed, Washington State ranks third in the nation in number of World Wide Web sites created by state agencies. The examples that follow represent the diversity of technology initiatives being pursued in Washington.

1. Internet/World Wide Web (WWW)

The **Internet** is an international Web of interconnected government, education, and business computer networks--in essence, a network of networks. The Internet is a dynamic and constantly changing entity, both in terms of the number of information users and providers and the nature of the communication. An efficient global clearing house for electronic mail (e-mail), the Internet increasingly supports text and non-text communication.

The **World Wide Web (WWW or Web)** is a mechanism that allows a person to view information all over the internet using a single interface, including a graphical one such as Netscape or Mosaic. The Internet provides an enormous capacity for delivery of government information, as well as encouraging electronic discussion of government issues between and among citizens and their elected representatives.

The Web has caught the imagination of a growing number of organizations that want to communicate in new ways. State and local governments are taking advantage of this evolving technology to establish (and expand) their access and availability through computer networks.

A September 1995 review indicates that 27 of the state's 65 agencies have created a site -- or home page -- on the Web. Forty-nine local governments in Washington also have a presence on the Web. All the public four-year universities and eight of the 33 community and technical colleges have Web sites -- as do 14 school districts, 26 elementary schools, and 34 secondary schools. In addition, seven of the 20 state boards, commissions, committees, councils, and task forces -- including this one¹ -- have created home pages. (*See Appendix D*)²

This activity reflects diverse approaches to creating and maintaining Web sites by state and local government. Seven of the 27 agencies (excluding educational institutions) and two of the 49 local governments that mounted Web sites have done so on their own server. At the state level, there is strong evidence of interagency cooperation. For example, the Web site for the Office of Minority and Women's Business Enterprises resides on a Department of Transportation server. The Department of Information Services (DIS) provides Web-related services for 17 state agencies.

It is important not to underestimate costs associated with developing content of a Web site. Even modest home pages require staff time to organize the information and a designer to work on graphics and formatting. More sophisticated Web sites that include large volumes of information and powerful search tools can take significant resources and dollars.

¹ The Internet address -- or Uniform Resource Locator (URL) -- for the Public Information Access Policy Task Force is: <http://Olympus.dis.wa.gov/pub/access/access.html>

² Given the decentralized nature of the Internet, and the rate at which new sites come online, these numbers are conservative. Even with repeated searches, using different search engines, it is likely that some government web sites in Washington state are not represented here.

At the local or county level, King and Pierce counties host their own Web sites. Other local governments in the state rely on community-based networks or commercial providers to host their Web sites -- or, alternatively, these third parties provide unofficial government information on their own. The Seattle Public Access Network hosts the Web sites for 13 cities and counties around the state -- another six have Web sites on local community networks. Ten other communities are represented on the Web through commercial Internet providers.

The governmental Web sites in Washington State vary widely in the kind and depth of information provided. They are interesting experiments aimed at fostering communication between citizens and their governments across the state. The information provided ranges from the full text of laws and regulations to the date and time of the next community event.

Two examples of government Web sites are provided by the state Legislature and the Department of Transportation.

- The Legislative Service Center (LSC) is responsible for a Web site called LegInfo that provides electronic access to the full text of Washington state laws and proposed legislation that is available without cost to the users. It also provides information about legislative committee assignments, an overview of how government works, and a guide to citizen involvement in the legislative process. The Legislature provides another access service, called LegLink, that provides access to a more sophisticated search capability with immediate updates of the database. The cost of retrofitting the existing legislative databases with a public access interface was approximately \$150,000, a figure that excludes the costs of building and maintaining any other part of the system.
- Through its Web site, the Washington State Department of Transportation (DOT) provides Washington State Ferries' schedules, Transportation Commission agendas and minutes, Amtrak schedules, construction reports for King and Pierce counties and for the Olympia peninsula, electronic versions of DOT standard plans, documents, and traffic flow maps of metropolitan Seattle. The traffic maps are based on the same information gathered through a DOT monitoring system and used by the department, law enforcement, and the media to manage the difficult Seattle commutes. This Web site information is increasingly popular with the public.

Even with the phenomenal growth of the Internet -- estimated at between 25-40 percent per year -- it is by no means a universal experience. A May 1994 study indicated that only 8 percent of Americans were online.³ Estimates by industry leaders were still under 10 percent by August 1995⁴ but at least one survey pegs the national level of online households at 15 percent.

The evolution of the Internet has not benefitted all people equally. Some non-sighted computer users thrived in a text-based Internet environment only to become frustrated with the barriers created by graphical user interfaces (GUI). The electronic reading devices now in use by a majority of non-sighted computer users cannot deal with graphic interfaces. Destinations on the Internet should be designed for both graphic- and text-based Internet browsers.

³ Times Mirror Center for the People and the Press, "The Role of Technology in American Life," May 1994. Even people who own a personal computer may lack a modem and the appropriate communications software to connect with the dial-up service. The study found that 12 percent of households had computer modems but only 8 percent used them.

⁴ Leslie Miller, "Cyber network dress up to Microsoft," *USA Today*, Monday, August 14, 1995: 3D.

The hallmark of the Internet has been unfettered electronic access to an "information cornucopia." However, the nature of the Internet is changing from "a government protectorate to a free-market medium."⁵ Historically, Internet users have benefitted from a flat fee structure, rather than metered use.⁶ On April 30, 1995, the National Science Foundation (NSF) withdrew its subsidy for a national backbone which has, among other things, served to insulate individual users from the costs of providing access to the Internet. NSF subsidy of 17 regional networks will fall to zero by 1998 under the terms of a five-year "sunset schedule."⁷ The decline of federal subsidies of the Internet will force changes to the way the network is funded. The impact of these changes on individual users is unclear -- direct payment may rise, use may be metered, institutions may absorb some or all of the increased costs, or costs may be offset by commercial interests.

2. Community-Based Computer Networks

In the last quarter century, grassroots computer networks have grown to number in the thousands -- linking communities together with computers, modems, and phone lines. Many community-based computer networks were founded on the premise of providing free electronic access to government at the community, state, and national levels.

Supported by contributions and grants, much like public radio and television, community-based networks provide local communities with no-cost or low-cost public access to the global Internet. The National Public Telecomputing Network, an umbrella group for community computing, defines the mission this way:

"Community computers provide citizens with an inexpensive and rapid way to make contact with their elected representatives at the city, county, state, and national levels -- contacts which include everything from obtaining information on governmental services to providing access to taxpayer-supported, governmentally produced databases. It should be pointed out that these communications are not one way. Elected representatives and other officials also have the ability to electronically communicate with their constituents."⁸

Several community-based computer networks have been established in Washington State and efforts are underway to organize new ones in other areas of the state.

- The Seattle Community Network is dedicated to the distribution of "information important to the citizens of the Seattle community."
- The Tri-Cities Free-Net, is working toward networking all libraries and schools in Pasco, Kennewick, Richland, and Benton-Franklin counties.
- The Inland Northwest Community Network (TINCAN) was established last year with two federal grants. TINCAN has the ambitious mandate to network together six Washington counties -- Spokane, Stevens, Ferry, Pend Oreille, Whitman, Lincoln -- and one Idaho county.
- The Kitsap LinkNet came online in December 1994.
- Efforts are also underway to organize new Free-Nets in Clark County, Port Townsend, Grays Harbor, and South Puget Sound (*See Appendix B*).

⁵ Blair Thornley, "Internet@Crossroads.\$\$\$." *Technology Review*, May/June 1995: 24-26.

⁶ Eric Arnau, "The Internet Dilemma: Freeway or Tollway?" *Business Communication Review*, Vol. 22, No. 12, December 1992, p. 28.

⁷ Blair Thornley, "Internet@Crossroads.\$\$\$." *Technology Review*, May/June 1994: 24-26.

⁸ National Public Telecommuting Network (NPTN) mission, as quoted in Max Lent, *Government Online*, New York, HarperCollins, 1995: 219.

3. Electronic Kiosks

Electronic access to government information brings with it the need for computer equipment which the majority of Washington state citizens do not presently own. Neighborhood electronic kiosks are computer-based devices that combine sound, video, and graphics to provide services in a shopping mall or other central location. Kiosks are available after hours and on weekends. Kiosks use touch-sensitive screens, making it simple for people without computer skills to operate them.

The Washington Interactive Network (WIN) is an electronic kiosk system created for "one-stop shopping" for government services and information. Twenty state agencies, two federal agencies, and local governments worked together to launch the pilot project. Eleven kiosks -- located in Bellevue, Kennewick, Olympia, Seattle, Spokane, Tacoma, Vancouver and Yakima -- created "virtual offices" across the state. The cost of this electronic public access pilot project was \$1 million, of which 54 percent was contributed by a private partner. Agencies could participate for as little as \$3,000 to provide basic information through the service.

The WIN program is expanding the number of kiosks, the number of users, and range of services it provides. Even with a five-fold increase in the number of machines, WIN would not be able to satisfy existing demand for kiosks in communities across the state. Siting decisions are complicated by the fact that machines in outlying communities may serve a smaller number of users, but the value of kiosk transactions may be higher to the users -- saving long trips or delays made necessary by doing business with government at a distance.

The federal government, the U.S. Postal Service,⁹ and a number of local governments -- including Mercer Island, Longview, and Bellevue -- have, or are, developing electronic kiosks of their own. There is the need to coordinate kiosk developments of commercial interests and the three levels of government -- local, state, and federal. Common technical standards are a necessary precursor to the kind of cooperation that would allow governments to maximize economies of scale.

4. Television

Legendary Broadcaster Edward R. Murrow said of television that "this medium can teach." His hometown university -- Washington State University (WSU) is the leader in distance education in the state. WSU developed Washington Higher Education Television (WHETS) to deliver two-way video classes to branch campuses and other sites across the state. The University of Washington also provides classes on the Seattle-area educational channel (UWTV). Likewise, a number of community colleges broadcast classes on local cable channels.

There are two other services that deserve mention here. TVW and Washington Interactive Television (WIT) link decision-makers in Olympia with people in communities across the state. Both services reduce the geographic barriers that often prevent citizens from attending hearings or watching their government at work.

TVW is an independent, non-profit corporation that transmits live and unedited television coverage of state government proceedings and public policy events of statewide significance. Unlike C-SPAN, TVW is not a public service funded by the cable industry. Launched through a legislative grant to cover base line operating expenses for three and a half years, it has raised about \$1 million from the private sector to continue operations.

⁹ Lee Ratzan, "Uncle Sam on the Net," *Wilson Library Bulletin*, February 1995: 59 and Kevin Power, "Feds listen as states describe benefits of kiosks," *Government Computer News*, August 2, 1993, v. 12, n. 16: p. 14.

With the first broadcast on April 10, 1995, Washington became the sixth state with a public affairs network. Forty percent of Washington State households, including every major metropolitan area, receive TVW broadcasts.

- WIT provides videoconferencing, satellite TV broadcasting, and multimedia production services for state and local governments. It has enabled agency directors to communicate with staff located throughout the state. This has resulted in significant time and cost savings. WIT also provides citizens with interactive access to government from 13 videoconferencing facilities located in Bremerton, Burien, Lynnwood, Mount Vernon, Olympia, Pasco, Seattle, Spokane, Vancouver, Wenatchee, and Yakima.

5. Telephone

The telephone is the original electronic public access system, beginning with the government switchboard which still performs an important function in putting citizens in touch with their government. The telephone and its allied technologies can reduce the delays sometimes caused by doing business with government in person or through the mail.

Voice response systems are being used at the state and local levels to respond to routine questions. The costs of developing automated voice response and fax-back services are often recovered from agency savings or passed on to users through metered billing. Examples are the Department of Transportation information on winter pass driving conditions and the Department of Licensing's metered phone service for business registration information. The University of Washington handles the quarterly registration process through its advanced STAR voice response telephone system.

Citizens in Spokane County can access licensing and tax information through separate electronic access systems developed by the County Auditor and County Treasurer. The Auditor's automated voice response system handles over 8,000 calls per month, providing Department of Licensing information, and answers to the questions most frequently asked of the Auditor's Office. The computer equipment and software for the system cost \$10,000 when it was installed in 1991. System maintenance and update of information are handled by staff. The only on-going budget expense is leasing the five phone lines the system uses, which cost \$75 each month.

The County Treasurer's Office provides similar electronic public access to county tax information through an automated telephone response system. When fully developed, the \$30,000 system will provide both voice response and fax-back information to callers.

The Washington State Department of General Administration introduced a fax-back service in November 1994. This clearinghouse distributes requests for proposals and other information about bidding on government contracts. The fax-back service has cut turn around time for responding to public and business requests from days or weeks to minutes. Unaudited figures suggest that the costs of contract management have been reduced by 66 percent because mail -- and the costs of handling it -- has been virtually eliminated. The hardware and software components of the fax-back service cost \$75,000 to install. General Administration is negotiating with other agencies to share the fax-back service, which is expandable.

Two other services combine technology with human operators in improving citizen access to government.

- A joint initiative of the Parks and Recreation Commissions in Washington and Oregon will result in a computerized reservation system for state parks. It will replace an outdated system of envelopes and drop boxes that did not allow for prior reservations. Information about 36 state parks will be available in 1996, rising to 50 by the second year. Campers would receive the most recent information about campsite availability over the telephone -- and be able to reserve available sites with a credit card.

The centralized reservation system is expected to handle up to 300,000 reservations each year. Commission projections indicate the system should raise more than \$1 million during its first full year of operation in 1997, with net revenues rising \$2 million after the first five years. The centralized reservation system was the result of a legislatively-mandated study of alternative ways to finance the park system.

- The second example is the original electronic access point to state government. Begun as the capital campus switchboard, the state toll free telephone operator service has developed into a state-wide referral service -- handling 120,000 calls annually. The operators put citizens in touch with a state or local governmental agency with the answers. According to the operator service, eighty percent of direct calls to state government end in a voice mail or an automated service, so this service provides citizens with a "real" person as the contact of last resort.

APPENDIX B: STATE AND LOCAL GOVERNMENTS ON THE WORLD WIDE WEB**State Agencies**

Administrator for the Courts	http://olympus.dis.wa.gov/pub/aoc
Office of the Attorney General	http://olympus.dis.wa.gov/pub/ag
Communications Technology Center	gopher://gopher.ctc.edu/1
Department of Community, Trade and Economic Development (CTED)	http://olympus.dis.wa.gov/pub/cted_etp/2_cted.html
Environment Technology Partnership	http://olympus.dis.wa.gov/pub/cted_etp/1_etphp.html
Department of Ecology	http://olympus.dis.wa.gov/www/access/ecology/ecyhome.htm
Department of Employment Security, Labor Market and Economic Analysis Branch	http://olympus.dis.wa.gov/pub/_employment_security/1mea/1meahome.htm
Washington State Energy Office, Energy Ideas Clearinghouse	http://www.eicbbs.wseo.wa.gov
Department of General Administration/ Office of Financial Management, Doing Business with Washington State	http://olympus.dis.wagov/procurements/business.html
Department of Fish and Wildlife	http://olympus.dis.wa.gov/pub/fish_wildlife/
Office of the Governor	http://olympus.dis.wa.gov/pub/governor
Department of Health	http://epsilon.doh.wa.gov/doh.html
Department of Information Services	http://olympus.dis.wa.gov/pub/info_services/dishome.html
Office of the Insurance Commissioner	http://olympus.dis.wa.gov/pub/ins_comm
Department of Labor and Industries	http://www.wa.gov/lni
Washington State Legislature	http://leginfo.leg.wa.gov
Washington State Library	http://olympus.dis.wa.gov/pub/wsl
Washington State Emergency Management	http://olympus.dis.wa.gov/pub/emergency_mgmt
Office of Minority and Women's Business Enterprises	http://www.wsdot.wa.gov/OMBE/
Department of Natural Resources	http://olympus.dis.wa.gov/pub/dnr
Department of Retirement Systems	http://www.wa.gov/DRS/drs.html
Department of Revenue	http://www.wa.gov/DOR/wador.html
Office of the Secretary of State	http://olympus.dis.wa.gov/pub/secretary_of_state
Department of Social and Health Services	http://olympus.dis.wa.gov/pub/dshs/dcs/pagel.htm

Office of the Superintendent of Public Instruction <http://www.opsi.wednet.edu/>

Department of Transportation <http://www.wsdot.wa.gov/>

Boards, Commissions, Committees, Councils and Task Forces

Legislative Budget Committee <http://olympus.dis.wa.gov/pub/lbc/lbchome.html>

County Road Administration Board <http://www.halcyon.com/gene/crab/crabhome.html>

Information Services Board <http://olympus.dis.wa.gov/pub/info-services/isb/isb.html>

Workforce Training and Education http://olympus.dis.wa.gov/pub/workforce_coord_board
Coordinating Board

Geographic Information Council <http://olympus.dis.wa.gov/pub/gic/gic.html>

Public Information Access Policy <http://olympus.dis.wa.gov/pub/access/access.html>
Task Force

Governor's Telecommunications <http://olympus.dis.wa.gov/pub/telecom/telecom.html>
Task Force

Internet Public Access Projects

Olympus: A Washington State Government <http://olympus.dis-wa.gov/indexg.html>
Internet Public Access Server

Home Page Washington <http://olympus.dis.wa.gov/www/wahome.html>

Washington State Information Exchange (InfoX) <http://olympus.dis.wa.gov/InfoX/InfoX.html>

Washington State Four-Year Schools

Central Washington University <http://www.cwu.edu>

Eastern Washington University <http://www.ewu.edu>

The Evergreen State College <http://www.evergreen.edu>

Washington State University <http://www.wsu.edu>

Western Washington University <http://www.wvu.edu>

University of Washington <http://www.washington.edu>

Community Colleges

Big Bend <http://134.39.180.3/>

Clark <gopher://genesis.clark.edu/1>

Everett <http://www-evcc.ctc.edu/>

Grays Harbor <http://compbert.ctc.edu/>

North Seattle <http://scc.cc.wa.us/sccd/north/norsea.html>

Seattle Central <http://scc.cc.wa.us/sccd/central/seacent.html>

Skagit Valley <http://www-svc.ctc.edu/>

South Seattle <http://scc.cc.wa.us/sccd/south/southsea.html>

K-12

Office of Superintendent of Public Instruction, Inspire Gopher gopher://inspire.ospi.wednet.edu/
 Office of Superintendent of Public Instruction, WWW Server <http://www.ospi.wednet.edu/>

Local Governments

Bellevue <http://www.pan.ci.seattle.wa.us/cities/bell/bellhome.htm>
 Bellingham Chamber of Commerce <http://www.pacificrim.net/~chamber/>
 Bellingham <http://www.nas.com/civic-access/localgovernment/bellingham.html>
 Clallam County Commission <http://www.sequim.com/cc/index.html>
 Clallam Country Parks Department <http://www.olympus.net/rec/clallamParks/clallam.html>
 Centrum/Port Townsend <http://www.olympus.net/asrts/centrum/centrum.html>
 Clark County <http://www.pan.ci.seattle.wa.us/cities/clark/clark.htm>
 Everson <http://www.nas.com/civic-access/localgovemment/everson.html>
 Federal Way <http://www.nbs.net/~federal-way/>
 Federal Way <http://www.eskimo.com/~chorus/fedway/ind>
 Fremont <http://www.seattleweb.com/cities/fremont>
 Friday Harbor <http://pacificrim.net/~islodge/>
 Gig Harbor <http://www.halcyon.com/jcs/gighbr/>
 Lake Chelan <http://www.cascade.net/chelan.html>
 Pullman/ Palouse <http://www.pullman.com/>
 Ferndale <http://www.nas.com/civic-access/localgovemment/ferndale.html>
 Kent <http://www.pan.ci.seattlc.wa.us/cities/kent/kent.htm>
 King County <http://www.metrokc.gov/>
 Kirkland <http://www.pan.ci.seattle.wa.us/cities/kirkland/kirkwa.htm>
 Lacey <http://www.pan.ci.seattle.wa.us/cities/lacey/lacey.htm>
 Longview <http://www.teleport.com/~longview>
 Lynden <http://www.nas.com/civic-access/localgovernment/lynden.html>
 Mercer Island <http://www.halcyon.com/mmmatt/mihome.htm>
 Nooksack <http://www.nas.com/civic-access/localgovernment/nooksack.html>
 Olympia <http://www.pan.ci.seattle.wa.us/cities/olympia/olympia.htm>
 Olympia <http://www.olympus.net/olympia/olympia.html>
 Olympic Peninsula <http://www.olympus.net/>
 Pierce County <http://www.co.pierce.wa.us>
 Redmond <http://www.pan.ci.seattle.wa.us/cities/redmond/redmond.htm>
 SeaTac <http://www.accessone.com/~seatac>
 Seattle (Unofficial) <http://www.eskimo.com/~mjohnson/service.html>
 Citizens Information Guide
 Seattle PAN <http://www.pan.ci.seattle.wa.us/html/gov.htm>
 Seattle - The Emerald Web <http://www.cyberspace.com/bobk/>
 Seattle - Pacific Rim <http://sensemedia.net/seattle>
 Seattle Neighborhoods <http://www.seattleweb.com/cities/cities>
 Seattle <http://www.eskimo.com/~mjohnson/service>
 Seattle - Government Center <http://www.seanet.com/Seattle/Government>
 Seattle Area Resources <http://www.cyberspace.com/vandehey/seatt>
 Tacoma.Net Web Site <http://www.tacoma.net/>
 Thurston County <http://www.pan.ci.seattle.wa.us/cities/thurston/thurston.htm>
 Tumwater <http://www.pan.ci.seattle.wa.us/cities/tum/2stry.htm>
 Vancouver <http://www.pan.ci.seattle.wa.us/cities/vanc/van.htm>
 Vancouver <http://www.clark.net/pub/jeffd/index.htm>
 Wenatchee <http://www.cascade.net/wenatchee.html>
 Yakima County <http://www.pan.co.yakima.wa.us/>
 Yakima Incommand <http://www.yakima.net/yakima/govern/yakgov1.htm>
 Yakima County <http://www.pan.ci.seattle.wa.us/cities/yakima/yakimaco.htm>

**APPENDIX C: MAKING CONTACT WITH PUBLIC ACCESS
 PROJECTS IN WASHINGTON STATE**

Kitsap LinkNet
Michael Schuyler
Kitsap Regional Library
1301 Sylvan Way
Bremerton, WA 98310

Online: 206-698-4737
Internet: telnet 198.187.135.22

Voice: 360-405-9139
E-mail: michael@linknet.kitsap.lib.wa.us

Seattle Community Network
Randy Groves
c/o CPSR
PO Box 85481
Seattle, WA 98145

Online: 206-386-4140
Internet: telnet scn.org

Voice: 206-865-3424
E-mail: randy@cpsr.org

Tri-Cities Free-Net
Bruce McComb
c/o Tri-Cities Library

Online: 509-375-1111
Internet:

Voice: 509-586-6481
E-mail: tcfm@delphi.com

**APPENDIX D: ENABLING LEGISLATION FOR THE PUBLIC INFORMATION ACCESS
POLICY TASK FORCE; CHAPTER 40, LAWS OF 1994**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6426

AS AMENDED BY THE HOUSE
Passed Legislature - 1994 Regular Session

AN ACT Relating to public electronic access to government information; amending RCW 42.17.370; adding a new section to chapter 42.17 RCW; creating new sections; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature finds that government information is a strategic resource and needs to be managed as such and that broad public access to nonrestricted public information and records must be guaranteed. The legislature further finds that reengineering government processes along with capitalizing on advancements made in digital technology can build greater efficiencies in government service delivery. The legislature further finds that providing citizen electronic access to presently available public documents will allow increased citizen involvement in state policies and empower citizens to participate in state policy decision making.

NEW SECTION. Sec. 2. A new section is added to chapter 42.17 RCW to read as follows:
By January 1, 1995, the public disclosure commission shall design a program for electronic access to public documents filed with the commission. The program may include on-line access to the commission's magic and electronic bulletin board systems, providing information for the internet system, fax-request service, automated telephone service, electronic filing of reports, and other service delivery options. Documents available in the program shall include, but are not limited to, public documents filed with the public disclosure commission, including, but not limited to, commission meeting schedules, financial affairs reports, contribution reports, expenditure reports, and gift reports. Implementation of the program is contingent on the availability of funds.

Sec. 3. RCW 42.17.370 and 1986 c 155 s 11 are each amended to read as follows:
The commission is empowered to:

- (1) Adopt, promulgate, amend, and rescind suitable administrative rules to carry out the policies and purposes of this chapter, which rules shall be adopted under chapter 34.05 RCW;
- (2) Appoint and set, within the limits established by the committee on agency officials' salaries under RCW 43.03.028, the compensation of an executive director who shall perform such duties and have such powers as the commission may prescribe and delegate to implement and enforce this chapter efficiently and effectively. The commission shall not delegate its authority to adopt, amend, or rescind rules nor shall it delegate authority to determine whether an actual violation of this chapter has occurred or to assess penalties for such violations;

- (3) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;
- (4) Make from time to time, on its own motion, audits and field investigations;
- (5) Make public the time and date of any formal hearing set to determine whether a violation has occurred, the question or questions to be considered, and the results thereof;
- (6) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence and require the production of any books, papers, correspondence, memorandums, or other records relevant or material for the purpose of any investigation authorized under this chapter, or any other proceeding under this chapter;
- (7) Adopt and promulgate a code of fair campaign practices;
- (8) Relieve, by rule, candidates or political committees of obligations to comply with the provisions of this chapter relating to election campaigns, if they have not received contributions nor made expenditures in connection with any election campaign of more than one thousand dollars;
- (9) Adopt rules prescribing reasonable requirements for keeping accounts of and reporting on a quarterly basis costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. The term "legislative information," for the purposes of this subsection, means books, pamphlets, reports, and other materials prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his regular examination of each agency under chapter 43.09 RCW shall review the rules, accounts, and reports and make appropriate findings, comments, and recommendations in his examination reports concerning those agencies;
- (10) After hearing, by order approved and ratified by a majority of the membership of the commission, suspend or modify any of the reporting requirements of this chapter in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that the suspension or modification will not frustrate the purposes of the chapter. The commission shall find that a manifestly unreasonable hardship exists if reporting the name of an entity required to be reported under RCW 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive position of any entity in which the person filing the report or any member of his immediate family holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more. Any suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required under this section. Any citizen has standing to bring an action in Thurston county superior court to contest the propriety of any order entered under this section within one year from the date of the entry of the order; and
- (11) Revise, at least once every five years but no more often than every two years, the monetary reporting thresholds and reporting code values of this chapter. The revisions shall be only for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the period commencing with the month of December preceding the last revision and concluding with the month of December preceding the month the revision is adopted. As to each of the three general categories of this chapter (reports of campaign finance, reports of lobbyist activity, and reports of the financial affairs of elected and appointed officials), the revisions shall equally affect all thresholds within each category. Revisions shall be adopted as rules under chapter 34.05 RCW. The first revision authorized by this subsection shall reflect economic changes from the time of the last

legislative enactment affecting the respective code or threshold through December 1985.

(12) Develop and provide to filers a system for certification of reports required under this chapter which are transmitted by facsimile or electronically to the commission. Implementation of the program is contingent on the availability of funds.

NEW SECTION. Sec. 4. A public information access policy task force is hereby created. The task force shall be composed of: The state librarian or the librarian's designee; the director of the department of information services or the director's designee; four members who are representatives of state and local governmental agencies, appointed by the governor; five representatives of the general public who have experience accessing information electronically or have particular interest in the policies that should govern access to information from public agencies, appointed by the governor; two members of the house of representatives, one from each political party, appointed by the speaker of the house of representatives; two members of the senate, one from each political party, appointed by the president of the senate; and, at the option of the chief justice of the state's supreme court, one representative of the state's judicial branch appointed by the chief justice. The state librarian or the librarian's designee and the director of information services or the director's designee shall serve as the cochairs of the task force. The department of information services and the state library shall provide staff support for the task force.

The purpose of the task force is to identify specific means of encouraging and establishing widespread, public, electronic access to the public records held by state government and by local governments. For the purposes of the task force's study and recommendations, providing such access to the public does not include providing the type of services beyond access, and beyond providing assistance with that access, that would be provided by a vendor for commercial purposes, including but not limited to providing such services by means of a geographic information system. The task force shall cease to exist on June 30, 1996.

NEW SECTION. Sec. 5. (1) By December 1, 1994, the task force shall provide its initial recommendations to the legislature and the governor regarding: Protecting the privacy of the citizenry and complying with statutory nondisclosure requirements while providing to the public electronic access to records; the status and availability of records for electronic access; and the availability of various means of electronically linking individual citizens to the records they seek. The initial report shall identify implementation strategies for records found to be immediately available for such access.

(2) By December 1, 1995, the task force shall provide its final recommendations to the legislature and governor. The recommendations shall be consistent with the recommendations provided under subsection (1) of this section and shall include an implementation strategy for providing widespread, public, electronic access to the public records held by state and local governmental entities, deadlines for implementation, and findings as to costs.

(3) Nothing in this section or section 4 of this act precludes records from being made available to the public electronically prior to the dates established for the initial and final reports of the task force.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

APPENDIX E: SUMMARY OF TASK FORCE EFFORTS

1. MODE OF OPERATION:

The Public Information Access Policy Task Force met monthly from July 28, 1994, through November 8, 1995, a total of seventeen meetings. From the beginning the Task Force decided to operate as follows:

- The Task Force members would strive to reach consensus, but when that might prove impossible, they would abide by a majority vote.
- The climate of the meetings would be sufficiently informal to permit and encourage comments, debate and participation by all attendees, including the audience.

2. TASK FORCE SUPPORT

Task Force Members deserve special recognition for their dedication to achieving the Task Force charges, since costs of travel and per diem were not funded in the Task Force legislation. Many individuals, businesses, organizations and governmental units made possible the participation of members.

Several people from state agencies also offered assistance to the Task Force. Special thanks are extended to:

Leland Blankenship, Public Printer
Brian Dirks, Department of Labor and Industries
Chip Holcolmb, Office of the Attorney General
Kathy Kelly, Office of Financial Management
John LeRocque, Department of Community, Trade and Economic Development
Katrina Meyer, Higher Education Coordinating Board

Staff of the Department of Information Services and of the State Library provided coordination, facilitation and operations support. They included:

Kristy Coomes, State Library
Jim Culp, Department of Information Services
David Danner, Department of Information Services
Amy Fortier, Department of Information Services
Mona Guarino, Department of Information Services
Diana Lessard, Department of Information Services
Rudy Mazza, Department of Information Services
Mary Moore, State Library
Kathy Rosmond, Department of Information Services
Lois Smith, State Library
Cathy Stussy, State Library
Kirsten Taylor, State Library
Paul Taylor, Department of Information Services
Donna Wells, Department of Information Services

3. TASK FORCE COMMUNICATIONS AND PUBLICATIONS

The Task Force took seriously its charge of making government information available electronically. First, the Department of Information Services provided Internet connections for Task Force members who did not have Internet access. Starting in September 1994, it posted its membership list, notice of meetings and agendas, meeting minutes and information about publications in electronic form on the Info X Internet server (<http://olympus.dis.wa.gov/pub/access/access.html>).

All full text electronic versions of Task Force publications were posted on Info X. By the time the Task Force published the draft of its final "*Report and Recommendations*," a new capability had been added to Olympus, allowing visitors to post electronic comments. Dale Morrison assisted by notifying various bulletin boards about the Task Force publications so text could be reposted, or information about the report made available. A number of state and national listservs were also sent notice of Task Force publications.

Press releases announcing Task Force publications were sent to all media including newspapers, radio and television.

Wide distribution of print publications was a goal. The State Library sent out approximately 2,200 print copies of the December 1994 Task Force "*Interim Report*" and of its December 1995 "*Report and Recommendations*" to the Task Force mailing list and other interested individuals, to state agency directors, county and municipal governments, economic development, public libraries, public and private higher education institutions, community colleges and vocational schools. A thousand copies of the "*Public Comment Report*" were distributed in October 1995.

In October 1995 the Task Force established a public comment listserv on the Internet through the Seattle Community Network in order to encourage public comment and discussion. The final "*Report and Recommendations*" will continue to be posted electronically at <http://olympus.dis.wa.gov/pub/access/access.html> on the World Wide Web - through June 30, 1996.

The Task Force held two electronic public comment sessions using the Washington Interactive Television service. The first session was held in November 1994 for comment on the "*Interim Report*," the second in October, 1995 for discussion of the "*Public Comment Draft*."

Five Task Force meetings were filmed by TVW and broadcast on local access cable television channels.

Several Task Force members arranged for, or were invited to provide information about the Task Force, its charges, and potential results. Such sessions included The Computer Professionals for Social Responsibility, Washington Association of School Administrators, governmental records managers, annual conferences of the Washington Association of Counties and the Washington Association of Cities, etc. Two members discussed the Task Force activities on radio talk shows with call-in formats.

The Task Force fully recognized the value of communicating with many people and their organizations, and recommends that any future activities that the legislature might identify should include support for a variety of means to communicate with people throughout the state.

APPENDIX F: PUBLIC RECORDS LAW TEXT

RCW 42.17.250 DUTY TO PUBLISH PROCEDURES

(1) Each state agency shall separately state and currently publish in the Washington Administrative Code and each local agency shall prominently display and make available for inspection and copying at the central office of such local agency, for guidance of the public:

- (a) Descriptions of its central and field organization and the established places at which, the employees from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain copies of agency decisions;
- (b) Statements of the general course and method by which its operations are channeled and determined, including the nature and requirements of all formal and informal procedures available;
- (c) Rules of procedure;
- (d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and
- (e) Each amendment or revision to, or repeal of any of therefore going.

(2) Except to the extent that he has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published or displayed and not so published or displayed. [1973 c 1 § 25 (Initiative Measure No. 276, approved November 7, 1972).]

RCW 42.17.251 Construction. The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created. The public records subdivision of this chapter shall be liberally construed and its exemptions narrowly construed to promote this public policy. [1992 c 139 § 2.]

RCW 42.17.255 Invasion of privacy, when. A person's "right to privacy," "right of privacy," "privacy," or "personal privacy," as these terms are used in this chapter, is invaded or violated only if disclosure of information about the person: (1) Would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public. The provisions of this chapter dealing with the right to privacy in certain public records do not create any right of privacy beyond those rights that are specified in this chapter as express exemptions from the public's right to inspect, examine, or copy public records. [1987 c 403 § 2.]

NOTES:

Intent--1987 c 403: "The legislature intends to restore the law relating to the release of public records largely to that which existed prior to the Washington Supreme Court decision in "In Re Rosier," 105 Wn.2d 606 (1986). The intent of this legislation is to make clear that: (1) Absent statutory provisions to the contrary, agencies possessing records should in responding to requests for disclosure not make any distinctions in releasing or not releasing records based upon the identity of the person or agency which requested the records, and (2) agencies having public records should rely only upon statutory exemptions or prohibitions for refusal to provide public records. Further, to avoid unnecessary confusion, "privacy" as used in RCW 42.17.255 is intended to have the same meaning as the definition given that word by the Supreme Court in "Hearst v. Hoppe," 90 Wn.2d 123, 135 (1978)." [1987 c 403 § 1.]

Severability--1987 c 403: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 403 § 7.]

RCW 42.17.260 Documents and indexes to be made public. (1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection (6) of this section, RCW 42.17.310, 42.17.315, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.17.310 and 42.17.315, an agency shall delete identifying details in a manner consistent with RCW 42.17.310 and 42.17.315 when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

(2) For informational purposes, each agency shall publish and maintain a current list containing every law, other than those listed in this chapter, that the agency believes exempts or prohibits disclosure of specific information or records of the agency. An agency's failure to list an exemption shall not affect the efficacy of any exemption.

(3) Each local agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after January 1, 1973:

- (a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- (b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency;
- (c) Administrative staff manuals and instructions to staff that affect a member of the public;
- (d) Planning policies and goals, and interim and final planning decisions;
- (e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and
- (f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(4) A local agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

- (a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and
- (b) Make available for public inspection and copying all indexes maintained for agency use.

(5) Each state agency shall, by rule, establish and implement a system of indexing for the identification and location of the following records:

- (a) All records issued before July 1, 1990, for which the agency has maintained an index;
- (b) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

- (c) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;
- (d) Interpretive statements as defined in RCW 34.05.010(8) that were entered after June 30, 1990; and
- (e) Policy statements as defined in RCW 34.05.010(14) that were entered after June 30, 1990.

Rules establishing systems of indexing shall include, but not be limited to, requirements for the form and content of the index, its location and availability to the public, and the schedule for revising or updating the index. State agencies that have maintained indexes for records issued before July 1, 1990, shall continue to make such indexes available for public inspection and copying. Information in such indexes may be incorporated into indexes prepared pursuant to this subsection. State agencies may satisfy the requirements of this subsection by making available to the public indexes prepared by other parties but actually used by the agency in its operations. State agencies shall make indexes available for public inspection and copying. State agencies may charge a fee to cover the actual costs of providing individual mailed copies of indexes.

(6) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if:

- (a) It has been indexed in an index available to the public; or
- (b) Parties affected have timely notice (actual or constructive) of the terms thereof.

(7) This chapter shall not be construed as giving authority to any agency to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies shall not do so unless specifically authorized or directed by law: PROVIDED, HOWEVER, That lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor: PROVIDED FURTHER, That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter 34.05 RCW, the Administrative Procedure Act. [1992 c 139 § 3; 1989 c 175 § 36; 1987 c 403 § 3; 1975 1st ex.s. c 294 § 14; 1973 c 1 § 26 (Initiative Measure No. 276, approved November 7, 1972).]

NOTES:

Effective date--1989 c 175: See note following RCW 34.05.010.

Intent--Severability--1987 c 403: See notes following RCW 42.17.255.

Exemption for registered trade names: RCW 19.80.065.

RCW 42.17.258 Disclaimer of public liability. No public agency, public official, public employee, or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon the release of a public record if the public agency, public official, public employee, or custodian acted in good faith in attempting to comply with the provisions of this chapter. [1992 c 139 § 11.]

RCW 42.17.270 Facilities for copying--Availability of public records. Public records shall be available for inspection and copying, and agencies shall, upon request for identifiable public records, make them promptly available to any person. Agencies shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate *RCW 42.17.260(5) or other statute which

exempts or prohibits disclosure of specific information or records to certain persons. Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency. Agencies shall honor requests received by mail for identifiable public records unless exempted by provisions of this chapter. [1987 c 403 § 4; 1975 1st ex.s. c 294 § 15; 1973 c 1 § 27 (Initiative Measure No. 276, approved November 7, 1972).]

NOTES:

*Reviser's note: RCW 42.17.260 was amended by 1989 c 175 § 36, and the previous subsection (5) was renumbered as subsection (6). RCW 42.17.260 was subsequently amended by 1992 c 139 § 3, and the previous subsection (5) is now subsection (7).

Intent--Severability--1987 c 403: See notes following RCW 42.17.255.

RCW 42.17.280 Times for inspection and copying. Public records shall be available for inspection and copying during the customary office hours of the agency: PROVIDED, That if the agency does not have customary office hours of at least thirty hours per week, the public records shall be available from nine o'clock a.m. to noon and from one o'clock p.m. to four o'clock p.m. Monday through Friday, excluding legal holidays, unless the person making the request and the agency or its representative agree on a different time. [1973 c 1 § 28 (Initiative Measure No. 276, approved November 7, 1972).]

RCW 42.17.290 Protection of public records--Public access. Agencies shall adopt and enforce reasonable rules and regulations, consonant with the intent of this chapter to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency. Such rules and regulations shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information. Nothing in this section shall relieve agencies from honoring requests received by mail for copies of identifiable public records.

If a public record request is made at a time when such record exists but is scheduled for destruction in the near future, the agency shall retain possession of the record, and may not destroy or erase the record until the request is resolved. [1992 c 139 § 4; 1975 1st ex.s. c 294 § 16; 1973 c 1 § 29 (Initiative Measure No. 276, approved November 7, 1972).]

RCW 42.17.295 Destruction of information relating to employee misconduct. Nothing in this chapter prevents an agency from destroying information relating to employee misconduct or alleged misconduct, in accordance with RCW 41.06.450, to the extent necessary to ensure fairness to the employee. [1982 c 208 § 13.]

NOTES:

Severability--1982 c 208: See RCW 42.40.900.

RCW 42.17.300 Charges for copying. No fee shall be charged for the inspection of public records. Agencies may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records, which charges shall not exceed the amount necessary to reimburse the agency for its actual costs incident to such copying. [1973 c 1 § 30 (Initiative Measure No. 276, approved November 7, 1972).]

RCW 42.17.310 Certain personal and other records exempt. (1) The following are exempt from public inspection and copying:

- (a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.
- (b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.
- (c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.
- (d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.
- (e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.
- (f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.
- (g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.
- (h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.
- (i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.
- (j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.
- (k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.
- (l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.
- (m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.
- (n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under *RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

- (o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.
- (p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.
- (q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.
- (r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.
- (s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.
- (t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.
- (u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.
- (v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.
- (w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying if the provider has provided the department with an accurate alternative or business address and telephone number.
- (x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.
- (y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.
- (z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

- (aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.
- (bb) Financial and valuable trade information under RCW 51.36.120.
- (cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.
- (dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.
- (ee) Investigative records compiled by an employing agency conducting a current investigation

of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld. [1994 c 233 § 2; 1994 c 182 § 1. Prior: 1993 c 360 § 2; 1993 c 320 § 9; 1993 c 280 § 35; prior: 1992 c 139 § 5; 1992 c 71 § 12; 1991 c 301 § 13; 1991 c 87 § 13; 1991 c 23 § 10; 1991 c 1 § 1; 1990 2nd ex.s. c 1 § 1103; 1990 c 256 § 1; prior: 1989 1st ex.s. c 9 § 407; 1989 c 352 § 7; 1989 c 279 § 23; 1989 c 238 § 1; 1989 c 205 § 20; 1989 c 189 § 3; 1989 c 11 § 12; prior: 1987 c 411 § 10; 1987 c 404 § 1; 1987 c 370 § 16; 1987 c 337 § 1; 1987 c 107 § 2; prior: 1986 c 299 § 25; 1986 c 276 § 7; 1985 c 414 § 8; 1984 c 143 § 21; 1983 c 133 § 10; 1982 c 64 § 1; 1977 ex.s. c 314 § 13; 1975-'76 2nd ex.s. c 82 § 5; 1975 1st ex.s. c 294 § 17; 1973 c 1 § 31 (Initiative Measure No. 276, approved November 7, 1972).]

NOTES:

Reviser's note:

(1) This section was amended by 1994 c 182 § 1 and by 1994 c 233 § 2, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

*(2) RCW 81.34.070 was repealed by 1991 c 49 § 1.

Effective date--1994 c 233: See note following RCW 70.123.075.

Effective date--1994 c 182: "This act shall take effect July 1, 1994." [1994 c 182 § 2.]

Effective date--1993 c 360: See note following RCW 18.130.085.

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Finding--1991 c 301: See note following RCW 10.99.020.

Effective date--1991 c 87: See note following RCW 18.64.350.

Effective dates--1991 c 23: See RCW 40.24.900.

Effective dates--1990 2nd ex.s. c 1: See note following RCW 84.52.010.

Severability--1990 2nd ex.s. c 1: See note following RCW 82.14.300.

Effective date--Severability--1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

Report--Severability--1989 c 279: See RCW 43.163.900 and 43.163.901.

Severability--1989 c 11: See note following RCW 9A.56.220.

Severability--1987 c 411: See RCW 69.45.900.

Severability--Effective date--1986 c 299: See RCW 28C.10.900 and 28C.10.902.

Severability--1986 c 276: See RCW 53.31.901.

Basic health plan records: RCW 70.47.150.

Exemptions from public inspection accounting records of special inquiry judge: RCW 10.29.090. bill drafting service of code reviser's office: RCW 1.08.027, 44.68.060. certificate submitted by physically or mentally disabled persons seeking a driver's license: RCW 46.20.041. commercial fertilizers, sales reports: RCW 15.54.362.

criminal records: Chapter 10.97 RCW. joint legislative service center, information: RCW 44.68.060. medical quality assurance commission, reports required to be filed with: RCW 18.71.0195. organized crime advisory board files: RCW 10.29.030. investigative information: RCW 43.43.856. salary and fringe benefit survey information: RCW 41.06.160.

RCW 42.17.311 Duty to disclose or withhold information-- Otherwise provided. Nothing in RCW 42.17.310(1) (t) through (v) shall affect a positive duty of an agency to disclose or a positive duty to withhold information which duty to disclose or withhold is contained in any other law. [1991 c 23 § 11; 1990 c 256 § 2; 1987 c 404 § 3.]

NOTES:

Effective dates--1991 c 23: See RCW 40.24.900.

RCW 42.17.312 Medical records--Health care information. Chapter 70.02 RCW applies to public inspection and copying of health care information of patients. [1991 c 335 § 902.]

NOTES:

Application and construction--Short title--Severability-- Captions not law--1991 c 335: See RCW 70.02.901 through 70.02.904.

RCW 42.17.313 Application for license under chapter 31.45

RCW--Certain information exempt. Information in an application for licensing under RCW 31.45.030 regarding the personal residential address, telephone number of the applicant, or financial statement is exempt from disclosure under this chapter. [1991 c 355 § 22.]

NOTES:

Effective date, implementation--1991 c 355: See RCW 31.45.900.

RCW 42.17.314 Electrical utility records, request by law enforcement agency. A law enforcement authority may not request inspection or copying of records of any person, which belong to a public utility district or a municipally owned electrical utility, unless the authority provides the public utility district or municipally owned electrical utility with a written statement in which the authority states that it suspects that the particular person to whom the records pertain has committed a crime and the authority has a reasonable belief that the records could determine or help determine whether the suspicion might be true. Information obtained in violation of this rule is inadmissible in any criminal proceeding. [1987 c 403 § 6.]

NOTES:

Intent--Severability--1987 c 403: See notes following RCW 42.17.255.

RCW 42.17.315 Certain records obtained by colleges, universities, libraries, or archives exempt. Notwithstanding the provisions of RCW 42.17.260 through 42.17.340, as now or hereafter amended, no state college, university, library, or archive shall be required by chapter 42.17 RCW to make available for public inspection and copying any records or documents obtained by said college, university, library, or archive through or concerning any gift, grant, conveyance, bequest, or devise, the terms of which restrict or regulate public access to such records or documents: PROVIDED, That this section shall not apply to any public records as defined in RCW 40.14.010. [1975 1st ex.s. c 294 § 22.]

RCW 42.17.316 Certain records of impaired physician program exempt. The disclosure requirements of this chapter shall not apply to records of the committee obtained in an action under RCW 18.71.300 through 18.71.340. [1994 1st sp.s. c 9 § 726; 1987 c 416 § 7.]

NOTES:

Severability--Headings and captions not law--Effective date--1994 1st sp.s. c 9: See RCW 18.79.900 through 18.79.902.

Effective date--1987 c 416: See note following RCW 18.71.300.

RCW 42.17.317 Information on commercial fertilizer distribution exempt. Information provided under RCW 15.54.362 is exempt from disclosure under this chapter. [1987 c 45 § 15.]

NOTES:

Construction--Severability--1987 c 45: See notes following RCW 15.54.270.

RCW 42.17.318 Information on concealed pistol licenses exempt. The license applications under RCW 9.41.070 are exempt from the disclosure requirements of this chapter. Copies of license applications or information on the applications may be released to law enforcement or corrections agencies. [1988 c 219 § 2.]

RCW 42.17.319 Certain records of investment opportunities office exempt. Notwithstanding the provisions of RCW 42.17.260 through 42.17.340, no financial or proprietary information supplied by investors or entrepreneurs under chapter 43.330 RCW shall be made available to the public. [1993 c 280 § 36; 1989 c 312 § 7.]

NOTES:

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Severability--1989 c 312: See note following RCW 43.31.403.

APPENDIX G: EXEMPTIONS TO THE OPEN RECORDS ACT

An electronic version of this appendix is not available at this time.

**Exemptions to Washington
PUBLIC RECORDS ACT**

A Study Prepared

for

THE SEATTLE TIMES

November 8, 1991

by

Davis Wright Tremaine

Michael J. Killeen

Debora K. Kristensen

This list of exemptions to the Open Records Act was prepared for the Seattle Times in 1991 by Michael Killeen of the law firm Davis Wright Tremaine. It is reprinted here with permission.

The Public Disclosure Act, RCW 42.17 et seq. governs the accessibility to public records in Washington. Generally, this Act provides that all records are available for public inspection except those specifically listed in RCW 42.17.310, 42.17.351 or "other statute which exempts or prohibits disclosure of specific information or records." RCW 42.17.260(1). Unfortunately, there is no comprehensive list of these "other statute(s)" which are exceptions to RCW 42.17.260(1).

In order to clarify this area of law, we have researched the Revised Code of Washington (RCW) to develop the following "comprehensive" list of exceptions to RCW 42.17.260(1)'s general accessibility provisions. In all, we discovered 190 statutes limiting disclosure of public records. Of these, 55 exempt disclosure (including 33 in the Public Records Act itself), thereby granting the agency in control of the requested information the ability to disclose such information at their discretion, while 135 statutes flatly prohibit disclosure of such information.¹ These latter statutes require a court order or other enumerated procedure in order to obtain disclosure. The results of our research are listed and summarized below.

Although we used both manual and computerized search techniques, we cannot be absolutely certain that we have found every exemption. In fact, we assume that we may be missing some.

Category	Section No.	Summary of Exempt Docs.
Commission on Judicial Conduct (M) ²	2.64.110	All documents of the commission obtained during investigation.
Commission on Judicial Conduct (M)	2.64.111	All documents re discipline or retirement of a judge or justice
Special rights of Action and Special Immunities (M)	4.24.250	All docs re health care provider filing charges to review committee for incompetency of fellow health care provider
Victims of Crimes - Compensation, Assistance (M)	7.68.140	Info in records and files re victims
Dispute Resolution Centers (M)	7.75.050	Memos and files of dispute resolution centers
Criminal Profiteering Act (M)	9A.82.170	Atty Gen. or P. Atty. may subpoena financial records if criminal profiteering suspected.
Firearms and Dangerous Weapons (M)	9.41.070	Applications for weapons permit (see RCW 42.17.318)
Violating Right of Privacy (M)	9.73.030	1) Consent of both parties to conversation reqd before may intercept or record private communications. 2) Communications reqd only one party's consent: those of emergency nature (eg. 911 calls), convey threats or unlawful demands, occur anonymously or repeatedly or at inconvenient hour, or re to hostage holder. 4) News gathering media deemed to have consent under this section when (a) expressly given or (b) recording device is readily apparent or obvious.
Grand Juries - Criminal Investigations (M)	10.27.090	Records and testimony of grand juries
Grand Juries - Criminal Investigations (M)	10.27.160	Records and testimony of grand juries
State-wide Special Inquiry Judge Act (M)	10.29.030	Organized crime advisory board files, info and data

¹ Three of these statutes are new, and not codified as of the date of this memorandum.

² Key: M= mandatory prohibition, D= discretionary exemption.

Category	Section No.	Summary of Exempt Docs.
State-wide Special Inquiry Judge Act (M)	10.29.090	Accounting records/budget of special injury judge
Criminally Insane-Procedures (D)	10.77.210	Records and reports of persons involuntarily hospitalized, detained or committed under this chapter.
WA State Criminal Records Privacy Act (M)	10.97.040	Criminal history records (unless disposition of such charge made).
WA State Criminal Records Privacy Act (M)	10.97.050	Criminal history records (dissemination procedures set forth)
WA State Criminal Records Privacy Act (M)	10.97.080	Nonconviction data (copying)
Criminal Justice Information Act (M)	10.98.070	This section is sole recipient of arrest and fingerprint forms for participation in national crime information center interstate identification index.
Charitable Trusts (M)	11.110.075	Reports of non-charitable trusts to Atty. Gen
Keeping and Release of Records by Juvenile Justice or Care Agencies (D)	13.50.010	Names of juveniles and parents; juvenile records <u>unless</u> make motion for access.
Keeping and Release of Records by Juvenile Justice or Care Agencies (D)	13.50.050	All records relating to commission of juvenile offenses other than juvenile court file.
Keeping and Release of Records by Juvenile Justice or Care Agencies (D)	13.50.100	Records not relating to commission of juvenile offenses (ie., juvenile justice or care agencies records.
Missing Children Clearinghouse (D)	13.60.020	Info re missing children in missing person computer network available only to law enforcement persons and parents.
Fertilizers, Agricultural Minerals and Limes (M)	15.54.362	Commercial fertilizers sales reports
Washington Pesticide Control Act (M)	15.58.060(c)	Confidential business info of proprietary nature submitted with registration statement
Washington Pesticide Control Act (D)	15.58.065	Director of Agriculture determines confidentiality of pesticide manufacturers data
Washington State Agricultural Enabling Act of 1961 (M)	15.65.510	Information and inspections required under this Chapter.
Accountancy (M)	18.04.405	A CPA can't disclose confidential info obtained in course of professional transaction.
Counselors (M)	18.19.140	Applications for certification to be used for commercial purposes
Boarding Homes (M)	18.20.120	Info re boarding home residents, senior citizens
Dentistry (D)	18.32.040	Individual's file for licensing by board
Maternity Homes (M)	18.46.090	Identifying info re maternity homes
Medical Disciplinary Board (M)	18.72.265	Reports of board
Medical Disciplinary Board (M)	18.72.321	Committee records re impaired physicians
Psychologists (M)	18.83.110	Psychologist-patient communications
Regulation of Health - Uniform Disciplinary Act (M)	18.130.175(4)	Treatment and Professions pretreatment records of license holders in voluntary substance abuse monitoring programs
Collection Agencies (M)	19.16.245	Collections agencies' financial statements submitted to Dept of Licensing

Category	Section No.	Summary of Exempt Docs.
Camping Resorts (D)	19.105.450	Investigation re camping registration or violation of this chapter
Uniform Trade Secrets Act (M)	19.108	Trade secrets
Securities Act of WA Admin. of Chapter (M)	21.20.480	Any info obtained by director which is not made public.
Securities Act of WA Additional Provisions (M)	21.20.855	Info and reports re debenture companies.
Commodity Transactions	21.30.170	Info obtained in private investigations (within director's discretion) and info obtained from fed/state agencies which may not be disclosed under fed/state law.
Washington Nonprofit Corporation Act (D)	24.03.435	Info disclosed by interrogatories propounded by Sec. of State.
Nonprofit Miscellaneous and Mutual Corporations Act (M)	24.06.480	Info disclosed by interrogatories propounded by Sec. of State.
Marriage (?)	26.04. __	Prohibits disclosure of name/address of domestic violence victims in marriage records. Laws of 1991, ch.23 § 12.
Dissolution of Marriage--Legal Separation--Declarations Concerning Validity of Marriage (M)	26.09.225	Access to child's education and health care records limited to parents.
Nonparental Actions of Child Custody(M)	26.10.150	Access to child's education and medical records limited to parents.
Family Court (D)	26..12.170	Hearing reports of child abuse/neglect
State Support Registry (D)	26.23.120	Info and records re individuals who owe support or receive support enforcement services.
Uniform Parentage Act (M)	26.26.050	Husband's written consent in case of wife's artificial insemination, by man not her husband, date of insemination and permanent file (subject only to "exceptional cases").
Uniform Parentage Act (M)	26.26.200	All records, other than final judgment, in paternity/parentage litigation
Adoption (M)	26.33.330	Adoption records
Adoption (M)	26.33.340	Department and agency files (except nonidentifying info upon <u>written</u> request from adopted or natural parent or adoptee).
Adoption (M)	26.33.380	Identity of natural parents.
Abuse of children and Adult Dependent of Developmentally Disabled Persons-Protection and Procedure (M)	26.44.070	Child abuse records in central registry
Archaeological Sites and Resources (M)	27.53.070	Info re archaeological site location discovered during field investigation on private lands
Colleges and Universities - Generally (D)	28B.10.355	Financial info reqd for prequalification for small works roster
State Higher Education Personnel Law (M)	28B.16.110	Salary and fringe benefits survey info with reference to specific employer.

Category	Section No.	Summary of Exempt Docs.
Private Vocational Schools (M)	28C.10.050(1)(a)	Financial info disclosed to state agencies
Registration of Voters (M)	29.07.130	Voter registration cards
General Provisions (Bank and Trust Companies) (M)	30.04.075	Examination reports and info obtained by supervisor conducting exams of banks, trust companies and alien banks.
Banks and Trust Companies (M)	30.04.230(4)(a)	Application and supporting info and all exam info and reports obtained in banking supervisor's investigation
Banks and Trust Companies (M)	30.04.410(3)	Banking supervisor's findings and order re bank acquisition
Washington State Credit Union Act (M)	31.12.565(1)	Exam reports and info obtained by banking supervisor in investigation of credit unions and credit union service organizations
Washington Land Bank (M)	31.30.190	Exam reports and info obtained by supervisor in conducting exams of Washington land bank
General Provisions (Mutual Savings Bank) (M)	32.04.220	Examination reports and all info obtained by supervisor of savings bank and mutual savings bank.
Conversion of Mutual Savings Bank to Capital Stock Savings Bank (M)	32.32.228(3)(e)	Findings and order of banking supervisor upon disapproval of any proposed savings bank acquisitions
Conversion of Mutual Savings Bank to Capital Stock Savings Bank (M)	32.32.275	Portions of applications labeled "confidential."
General Provisions (Savings & Loan Assoc.) (M)	33.04.110	Examination reports and all info obtained b supervisor of savings and loan assoc.
Housing Authorities Law (D)	35.82.075	Financial info reqd to prequalify as contractor for small works roster
Public Works (D)	39.04.150	Financial info reqd to prequalify as contractor for small works roster
Public Documents, Records and Publications (?)	40.____	Prohibitions on disclosure of names/address of domestic violence victims. Laws of 1991 ch.23 § 1-9
Preservation and Destruction of Public Records (M)	40.14.180	Bill drafting records of code revisor's office.
General Provisions (Public Employment) (M)	41.04.364	Individual employee's participation in state employee wellness program and all individually identifiable info gather in process.
State Civil Service Law (M)	41.06.160	Salary and fringe benefits survey info with reference to specific employer.
State Civil Service Law (D)	41.06.455	Agency may destroy identifying info in records re employee misconduct
Disclosure - Public Records (D)	42.17.310(1)a	Info re state "clients" ie: school students, patients/clients of public institutions or public health agencies, or welfare recipients.
Disclosure - Public Records (D)	42.17.310(1)b	Info in files maintained for public agency employees, appointees of elected officials.
Disclosure - Public Records (D)	42.17.310(1)c	Certain info reqd of taxpayer

Category	Section No.	Summary of Exempt Docs.
Disclosure - Public Records (D)	42.17.310(1)d	Specific info of state agencies responsible for discipline of members of any profession.
Disclosure - Public Records (D)	42.17.310(1)e	Info re identity of (D) complainant to law enforcement agencies if would endanger their life, safety or property.
Disclosure - Public Records (D)	42.17.310(1)f	Exam data used to administer a license, employment or academic exam.
Disclosure - Public Records (D)	42.17.310(1)g	Real estate appraisals until property sold.
Disclosure - Public Records (D)	42.17.310(1)h	Valuable research data, formulae, designs obtained by any agencies within 5 years of disclosure request when such disclosure would produce private gain and public loss.
Disclosure - Public Records (D)	42.17.310(1)i	Preliminary notes, memos of agency policies and opinions.
Disclosure - Public Records (D)	42.17.310(1)j	Records relevant to (D) controversy in which agency is party but not available to another party under discovery rules.
Disclosure - Public Records (D)	42.17.310(1)k	Archaeological site info
Disclosure - Public Records (D)	42.17.310(1)l	Library records which identify library users
Disclosure - Public Records (D)	42.17.310(1)m	Financial info submitted for bid on (1) ferry system construction or repair, or (2) highway construction or repair.
Disclosure - Public Records (D)	42.17.310(1)n	Railroad Co. contracts filed with utilities commission.
Disclosure - Public Records (D)	42.17.310(1)o	Financial/commercial info supplied by export services.
Disclosure - Public Records (D)	42.17.310(1)p	Private vocational schools financial disclosures.
Disclosure - Public Records (D)	42.17.310(1)q	Records filed with Atty. Gen or Utilities Comm. under RCW 80.04.095.
Disclosure - Public Records (D)	42.17.310(1)r	Financial/commercial info supplied by businesses during loan application or program services under RCW 43.163, 43.31, 43.63A and 43.168.
Disclosure - Public Records (D)	42.17.310(1)s	Membership in land-development projects, subdivisions, condo, etc. regulated by Dept. of Licensing.
Disclosure - Public Records (D)	42.17.310(1)t	Applications for public employment
Disclosure - Public Records (D)	42.17.310(1)u	Public agency employee's and volunteer's home address and phone numbers.
Disclosure - Public Records (D)	42.17.310(1)v	Public utility customer's residential address and phone numbers.
Disclosure - Public Records (D)	42.17.310(1)w	Info obtained by Board of Pharmacy in RCW 69.45.090.
Disclosure - Public Records (D)	42.17.310(1)x	Info obtained by Board of Pharmacy in RCW 69.41.044 and 69.41.280.
Disclosure - Public Records (D)	42.17.310(1)y	Info produced or obtained in evaluating business and industrial development corp. organized or seeking certification under RCW 31.24.

Category	Section No.	Summary of Exempt Docs.
Disclosure - Public Records (D)	42.17.310(1)z	Financial/commercial info supplied to state reinvestment of public trust or retirement funds when disclosure would result in loss to such funds or private loss.
Disclosure - Public Records (D)	42.17.310(1)aa	Financial and Trade Info under RCW 51.36.120.
Disclosure - Public Records (D)	42.17.310(1)bb	Client records maintained by an agency that is a domestic violence program or rape crisis center (added by WA Laws 1991, ch 301 §11).
Disclosure - Public Records (M)	42.17.315	All docs obtained by state college, university, library or archive through gift/bequest/grant the terms of which restrict public access to such docs.
Disclosure - Public Records (M)	42.17.316	Impaired physicians committee's report.
Disclosure - Public Records (M)	42.17.317	Commercial fertilizer info, sales report.
Disclosure - Public Records (M)	42.17.318	License application pursuant to RCW 9.41.020.
Disclosure - Public Records (M)	42.17.319	Financial/proprietary info supplied by investors/entrepreneurs, pursuant to RCW 43.31.
Code of Ethics for Public Officials (M)	42.21.050	Public officials may not disclose confidential info gained by reason of position for personal benefit.
Release of Records for Research	42.48.020	Access to personal, confidential records by research personnel (researcher can't identify persons in research).
Release of Records for Research	42.48.040	Only use info for research (can't disclose identities).
Secretary of State (M)	43.07.100	Identifying info in Bureau of Statistics reports.
Department of Ecology (D)	43.21A.160	Persons submitting records/info to Dept may request confidentiality.
State Energy Office (M)	43.21F.060	Proprietary info recd from energy producers, suppliers and customers.
Department of Labor And Industries (M)	43.22.290	Info collected by Dept recompiling labor statistics.
Department of Trade & Economic Development (M)	43.31 et seq. (see 42.17.319)	All financial/proprietary info. supplied by investors/entrepreneurs under this Chapter.
Washington State Patrol (M)	43.43.710	All info in files and records re commission of any crime.
Washington State Patrol (M)	43.43.856	All investigative info. by intelligence unit reorganized crime.
Operating Agencies (D)	43.52.612	Financial info provided under this chapter.
Department of Health (M)	43.70.050	All health-related data collected by department re identity of patient or health care provider.
Long-Term Care ombudsman Program (M)	43.190.110	All records and files of long-term care ombudsman re investigation or complaint.
Certificates of Ownership and Registration (M)	46.12.380	Names and addresses of an individual vehicle owner held by dept. <u>except</u> as listed.
Drivers' License - Identcards (M)	46.20.041	Certificate submitted by disabled person seeking a driver's license.

Category	Section No.	Summary of Exempt Docs.
Drivers' License - Identcards (M)	46.20.118	Negatives of all pictures taken by department of licensing.
Accidents--Reports--Abandoned Vehicles (M)	46.52.080	Accident report info only to interested parties or law enforcement personnel.
Accidents--Reports--Abandoned Vehicles (M)	46.52.120	Traffic conviction / infraction records.
Accidents--Reports--Abandoned Vehicles (M)	46.52.130	Abstract of driving record available only to limited persons (see statute).
Construction and Maintenance of Highways (M)	47.28.075	Financial info submitted hereunder.
Puget Sound Ferry and Toll Bridge System (M)	47.60.760	Info submitted in bids.
Insurance Commissioner (M)	48.02.120	Insurance Commissioner's records re actuarial info.
Examinations (D)	48.03.050	Commissioner may withhold any exam or reports "as he deems it advisable".
Insurance Premium Finance Company Act (M)	48.62.110	Amount in local govt. self-insurance reserve used to settle claims.
Industrial Welfare (M)	49.12.050	Dept of labor may inspect all employee's personnel files.
Industrial Welfare (M)	49.12.240	Employee may inspect own personnel file.
Industrial Welfare (M)	49.12.260	RCW 49.12.240 doesn't apply to records of employee re investigation of possible criminal offense.
Washington Industrial Safety and Health Act (M)	49.17.200	Trade secret info acquired pursuant to WISHA.
Washington Industrial Safety and Health Act (M)	49.17.210	Info obtained as a result of voluntary consultation. Laws of 1991, Ch. 89.
Records and Information--Privacy and Confidentiality (M)	50.13.015	Info held by department that is confidential under state/fed law or private agreement.
Records and Information--Privacy and Confidentiality (M)	50.13.020	Info submitted to Employment Security Dept re unemployment insurance.
Records and Information--Privacy and Confidentiality (M)	50.13.040	Allows individual or employing unit access to its records unless specifically exempt under RCW 42.17.310.
Records and Information--Privacy and Confidentiality (M)	50.13.050	Records/info of non-material info sought for appeal, and all closed hearings.
Records and Information--Privacy and Confidentiality (D)	50.13.100	Allows disclosure of records or info where identifying details are deleted or individual or employing unit consents.
Notice and Report of Accident - Application for compensation (M)	51.28.070	Info submitted to Labor and Industries in re workers compensation.
Medical Aid (M)	51.36.120	Financial and trade info of contractors for health care services and equipment (upon contractors request).
Limitations on Non-consensual Common Law Liens (M)	60.70.040	No duty to disclose record of common law lien.
Uniform Unclaimed Property Act (M)	63.29.380	Info re unclaimed property submitted to Dept of Revenue.
State Liquor Stores (M)	66.16.090	Record of individual purchases of liquor.

Category	Section No.	Summary of Exempt Docs.
Human Remains (M)	68.50.105	Autopsies and postmortems.
Human Remains (M)	68.50.320	Dental records to be erased when missing person found.
Intrastate Commerce in Food, Drugs, and Cosmetics (D)	69.04.810	Access to records of intrastate carriers.
Legend Drugs - Prescription Drugs (M)	69.41.044	All records/info obtained by board from drug manuf., pharmacy, practitioner who purchases drugs, etc.
Legend Drugs - Prescription Drugs (M)	69.41.280	All records/info obtained by board from drug manuf., pharmacy, practitioner who purchases drugs, etc.
Legend Drugs - Prescription Drugs (M)	69.45.090	Same as 69.41.280 <u>except</u> identities of persons board finds in violation of law, rules, regs.
Control and Treatment of Sexually Transmitted Diseases (M)	70.27.022	Interviews, exams, counseling or treatment of HIV infected person & those believed to be infected.
Control and Treatment of Sexually Transmitted Diseases (M)	70.24.024	Notice and hearings re order for exam.
Control and Treatment of Sexually Transmitted Diseases (M)	70.24.105	Disclosure of HIV tests results.
Control of Tuberculosis (M)	70.28.020	Tuberculosis case reports.
Hospital Licensing and Regulation (M)	70.41.150	Info received by dept. identifying individuals or hospitals (except in cases of licensure).
Health Care Access Act (M)	70.47.150	Info in plan re medical treatment of individuals and actuarial formulae, statistics and assumptions submitted in support of rate filing.
Vital Statistics (M)	70.58.104	Disclosure of vital records for research purposes must ensure "confidentiality standards".
Vital Statistics (M)	70.58.200	"Confidential" section of vital records forms.
Washington Clear Air Act (D)	70.94.205	Dept records, other than air quality or emissions data, may be confidential if submittee states that disclosure would affect competitive position.
Waste Reduction (M)	70.95C.220	Voluntary reduction plans for hazardous substance user or hazardous waste generators.
Treatment for Alcoholism, Intoxication and Drug Addiction (M)	70.96A.150	Drug and alcohol rehabilitation records.
Victims of Sexual Assault Act (M)	70.125.065	Records of rape crisis centers not available as part of discovery; exceptions provided.
Home Health, Hospice, and Home Care Agencies--Licensure (M)	70.127.190	All info received by dept. that identifies patients receiving care under this chapter.
Underground Petroleum Storage Tanks (M)	70.148.060	Exams and proprietary reports obtained in soliciting bids from insurance.
State-Wide Trauma Care System (M)	70.168.070	Members of on-site review teams and staff.
State-Wide Trauma Care System (M)	70.168.090	Identification of indiv. patient's, provider's and facility's care outcomes, and patient care quality assurance proceedings and records.

Category	Section No.	Summary of Exempt Docs.
Mental Illness (D)	71.05.390	All info and records obtained in course of involuntary/voluntary services at public or private agency.
Mental Illness (M)	71.05.620	Files and records of court proceedings under this chapter.
Mental Illness (D)	71.05.640	Treatment records may be modified or withheld.
Community Mental Health Services Act (M)	71.24.035	Info obtained by board re mentally retarded.
Mental Health Services for Minors (M)	71.34.200	All info re treatment of minors under this chapter.
Mental Health Services for Minors (M)	71.34.210	Court records and files under this chapter.
General Provisions--Public Assistance (M)	74.04.060	Welfare records of those on public assistance.
General Provisions--Public Assistance (M)	74.04.062	Current address and location of recipients <u>except</u> to police officer or immigration official with warrant.
Child Welfare Services (M)	74.13.121	Records re adoptive parents' federal income tax returns.
Support of Dependant Children (D)	74.20.160	(Exception to general confidentiality) Dept may disclose/report those obligated to support any dependent child to internal revenue dept.
Support of Dependant Children (D)	74.20.280	Records of central unit registry only available to govt. agencies, courts, Atty. Gen., P. Atty or other persons to help purpose of registry.
Nursing Homes-Resident Care Operating Standards (M)	74.42.080	Records of residents of nursing homes.
Coal Mining Code (M)	78.40.250	Coal mining maps.
Oil and Gas Conservation (M)	78.52.260	Info on wildcat or exploratory oil wells.
Geothermal Resources (M)	79.76.230	Geothermal resource companies' well-drilling info, submitted to Dept, for 24 months.
Public Utilities Regulation - General (M)	80.04.095	Records filed with Commission or Atty Gen which contain valuable commercial info.
General Administrative Provisions (M)	82.32.330	Taxpayer records.
Assessment and Taxation of Public Utilities (M)	84.12.240	(Exception to general confidentiality of other agencies' docs) Access to books and records in any dept. of the state.
Assessment and Taxation of Private Car Companies (M)	84.16.032	(Exception to general confidentiality of other agencies' docs) Access to books and records in any dept. of the state.
Exemptions (M)	84.36.389	Income data from audits of retired or disabled persons.
Listing of Property (M)	84.40.020	Confidential income data.

APPENDIX H: WORKING DEFINITIONS FROM THE DECEMBER 1994 "INTERIM REPORT"

Agencies. State and local units of government as defined in RCW section 42.17.020.

Bulletin Boards. A collection point for information which can be accessed using a computer with a modem and a telephone line. Computer accessed bulletin board systems often provide public agencies with an inexpensive way to facilitate electronic communication.

Commercial Use. Access to public databases for the purpose of resale.

Databases. Pieces of information collected and stored electronically by government agencies in the normal course of governmental operations.

Electronic storage. The storage of data or information using electronic tools such as computers.

Fax-back. Use of facsimile machines to automatically distribute or receive information over telephone lines. Some fax-back systems allow an information seeker to call into a computer, use a telephone touch tone pad to scroll through indexes of information, and select an item to be faxed to them. Other fax-back systems require the information seeker to place the call through a fax machine so that the caller pays for the facsimile transmission.

Internet. A vast, decentralized computer network of networks that allows people all over the world to communicate and access information faster and less expensively than ever before.

Kiosk. The electronic equivalent of the corner newsstand; it displays and distributes information on request. Typically a multimedia personal computer and a printer housed in a freestanding, tamper-resistant package. Usually located in a public place such as a library, government building, or shopping mall.

Personal privacy. 1) The protection of personal data from improper collection, use, or disclosure. This includes limitations on the use of identifiers, such as the Social Security number, and technological methods that may safeguard privacy including encryption, blind signatures, and anonymous and pseudonymous transactions. 2) The ability to maintain security over personally identifiable information, *information that can be identified with a specific individual person*, which is determined to be restricted and not necessary for inclusion in the public database. (See also, Privacy.)

Privacy. The right of privacy is currently defined in title 42, RCW Section 42.17.255, which states "violation would occur if the information would be highly offensive to a reasonable person and is not of legitimate concern to the public."

Private sector. The business community whose intent is to operate for a profit or provide earnings to shareholders. This is separate from nonprofit or governmental agencies.

Public database. Unrestricted information stored electronically by agencies which is made available for public access.

Public electronic access. The ability of any member of the general public to review and obtain information determined to be included in a public information database which is stored in electronic or digitized form and requested and distributed by use of voice, computer data, or video format. Public access as used in this report means public electronic access. See also RCW Section 42.17.290.

Public information. Data which has been specifically created, collected, processed, or distributed by governmental organizations in the course of governmental operation that is available to the general public and which contains no restricted information.

Public record. As defined by the Open Records Act, a public record "includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics."

"Writing" is defined in the Open Records Act as including "handwriting, typewriting, printing, Photostatting, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, symbols, or combinations thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion pictures, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated."

Public Records Act. Those sections of the Public Records Law, Revised Code of Washington, Chapter 42.17, dealing with public records, i.e., the relevant definitional sections of RCW 42.17.010 - 42.17.020 and 42.17.250 - 42.17.348.

Public sector. Governmental units and jurisdictions.

Security. Control that prevents unauthorized access to, disclosure, theft, or modification of government electronic information.

Standards. The use of terms, structures, and methods of operation to ensure consistency or adherence to policy.

Timeliness. Information is reasonably current and readily accessible.

Terminals. Equipment such as personal computers, telephones, or interactive screens where information can be requested and received from some data server or storage device.

Unrestricted information. Government information to which access is not limited by statute or case law. (See also, Privacy and Personal Privacy.)

Voice Response. Telephone and computer systems which respond to voice requests or inputs via telephone.



Washington State Library
16th & Water
Olympia WA 98504-2460