

VETO MESSAGE ON HB 2604

March 30, 1996

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 2604 entitled:

"AN ACT Relating to lists of registered and legal owners of vehicles;"

House Bill No. 2604 provides the operators of commercial parking companies electronic access to the records of the Department of Licensing so that they may use those records to identify the owners of automobiles who used their parking lots without providing sufficient payment. Presently, these companies can access these records only through means which they argue are more expensive and cumbersome.

House Bill No. 2604 raises a much larger issue than would appear on the surface. Our state has not developed a clear policy about how and why public records should be accessed for commercial purposes. The underlying law regarding the commercial use of records was established by an act of the people when they passed Initiative 276 in 1972. That initiative provided for access to public records in ways that would allow citizens to hold their government more accountable, but the use of lists for commercial purposes was generally prohibited. The initiative provided that "[t]his law 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" (Initiative 276, Section 25 (5)). Specific legislative authorizations for the commercial use of lists have proliferated since 1972, a process that House Bill No. 2604 would continue.

The issue here is not only one of privacy, but also of the value and purpose of governmental records. The government collects an immense amount of information from its citizens and from businesses. Much of the information is required for specific purposes related to the administration of programs, the development of policies, and the collection of revenues - all things that promote the common good. As the economy becomes increasingly service-oriented and as the impact of electronic information systems becomes more pervasive, great pressure is placed on the government to relinquish public control over its data holdings to the benefit of private, commercial enterprises.

As state government responds to emerging technologies, it is likely that we will have to modify the way we control and disburse the information we hold. However, in order to protect the privacy of our citizens, we should change our policies with great care and only after the broadest possible debate.

House Bill No. 2604 may, by itself, be a policy change with limited consequences. However, when viewed in combination with the myriad requests for access to public records that are being introduced into each legislative session, this bill raises serious questions about what our policy should be regarding the commercialization of public records. Our state must develop a

clear, comprehensive policy about this issue lest the passage of bills like this one erode away, in a piecemeal fashion, the policy established by the people by initiative in 1972.

In order that a comprehensive policy governing the commercial use of public records can be developed, I will soon appoint a task force to address this issue. Consideration also will be given to issues associated with privacy. This task force will consist of persons who can help advise the executive and legislative branches about this important matter. I will ask the task force to prepare recommendations that can be debated in the 1997 and in subsequent legislative sessions.

By raising the issue this year through the exercise of this veto and others, I am aware that I will be asking our policy makers to undertake a task that will bring into focus a complicated debate that will reveal conflicting values about the public record, privacy, the future of technology, and governmental accountability. However, I am determined that this important debate go forward and that important principles of government not be decided by a process wherein the slow accumulation of exceptions to the underlying law become so extensive that more data is available for commercial uses than is withheld.

For these reasons, I have vetoed House Bill No. 2604 in its entirety.

Respectfully submitted,
Mike Lowry
Governor