

HOUSE BILL REPORT

HB 2980

As Reported By House Committee On:

Government Administration

Title: An act relating to protection of research data.

Brief Description: Protecting research data.

Sponsors: Representatives D. Schmidt, Scott, Carlson, Radcliff, L. Thomas, Dunn, Murray, O'Brien, D. Sommers, Kenney, Van Luven, Wolfe and Gardner.

Brief History:

Committee Activity:

Government Administration: 2/4/98, 2/5/98 [DP].

HOUSE COMMITTEE ON GOVERNMENT ADMINISTRATION

Majority Report: Do pass. Signed by 9 members: Representatives D. Schmidt, Chairman; D. Sommers, Vice Chairman; Scott, Ranking Minority Member; Gardner, Assistant Ranking Minority Member; Doumit; Dunn; Reams; L. Thomas and Wolfe.

Minority Report: Do not pass. Signed by 3 members: Representatives Dunshee; Smith and Wensman.

Staff: Caroleen Dineen (786-7156).

Background: Information held by a public agency is generally subject to public disclosure. Numerous exemptions to the public disclosure requirements are codified in statute. Some of these exemptions relate to records containing personal information and proprietary business information. State and local agencies are required to make records not falling within a statutory exemption available for public inspection and copying.

Under current law, research data obtained by an agency is exempt from disclosure for five years from the date of a disclosure request if disclosure during that period would result in private gain and public loss.

Summary of Bill: A new exemption related to research universities' research data is added to the public disclosure law.

Research data developed or received by a research university is exempt from public inspection and copying until the data is published or publicly distributed or a patent is issued. For purposes of the exemption, research data— is defined as facts and information collected for a specific purpose and derived from scholarly study, investigation or inquiry.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Research universities and faculty need protection for research data until research grants are funded. This bill does not deny access to financial data. Animal care information that is currently disclosed will continue to be released. The current exemption does not cover all information in an unfunded research grant. The goal of research is disclosure to advance knowledge and create public benefit. Requiring disclosure of research data before grants are funded discourages collaborative efforts with researchers outside the state and causes a loss of research with commercial value. This bill will prevent the premature disclosure of preliminary information and put faculty and research universities in Washington on a level playing field with others outside the state.

Testimony Against: This bill is not needed because of the current exemption for research data and other statutory protections against disclosure. Scientific hypotheses as well as data are already protected from disclosure. Public records should be open and available as a matter of public policy. The universities are public institutions supported by the taxpayers.

Testified: Brian Sonntag, State Auditor (with concerns); John Coulter and John Harlan, University of Washington (pro); Rowland Thompson, Allied Daily Newspapers (con); Tom Ranken, Washington Biotechnology and Biomedical Association (pro); and Mike Killeen, Davis Wright Tremaine (con).