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**State Government Committee**

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**HB 2741**

**Brief Description:** Managing digital public records.

**Sponsors:** Representatives Miloscia, Armstrong and Uptegrove; by request of Secretary of State.

**Brief Summary of Bill**

- Permits and facilitates management of digitally archived material.
- Codifies management of electronic and digital archival material.
- Exempts computer database infrastructure from disclosure as a public record.

**Hearing Date:** 1/23/04

**Staff:** Matt Kuehn (786-7291).

**Background:**

Archival Records

When a public record is no longer required in the operation of the office where it is kept, it is to be delivered to the Washington state archivist. The Archivist manages and maintains these records for the purpose of preservation as well as scholarship and research.

The records to be delivered to the archivist are described by statute. The records include records regarding public property and income disposition, contracts to which the state of Washington is a party, bonds, legal claims filed against the state, agency records that are kept by law, and legislative records.

Exemptions

Public Records Act lists exemptions from public disclosure. Documents included among the exemptions may not be inspected or copied. Without the exemptions, the documents would qualify as open, public records. Medical records made by public institutions, witness and victim names in police reports and addresses and telephone numbers of public employees are examples of exempted records which would otherwise be available to inspection.

The laws establishing the State Archives, and the procedures for managing public records under the archive program, are distinct from the Public Records Act.

## **Summary of Bill:**

### Archival Public Records

While public electronic or digital documents must be archived, this bill provides statutory guidance for the management of those particular archival records once they are passed on to archives.

Documents that exist in electronic and digital form, and which have sufficient archival significance, are directed to be preserved, protected and made accessible. This ensures that the digital and electronic documents held by the archivist are for protected and accessible.

This also modifies digital state and local government record review. The bill only specifies circumstances where the document is kept because of its long term legal, historical, fiscal or other archival significance.

### Exemptions

The substance of the exemption limits certain disclosure in digital documents. Material contained within any Internet archivist records site which pertains to that site's infrastructure, application code, software applications, database architecture and computer security may not be publicly inspected or copied.

The exemption also indicates that the searchable Internet archive may either be free or may charge a usage fee, so long as the fee is specified by law, ordinance or regulation. The state archivist is also permitted to license the use of the records database or collection for a fee so long as the state archives continues to offer the database and the state archivist determines that licensing use would benefit the public.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.