
SENATE BILL 5869

State of Washington 60th Legislature 2007 Regular Session

By Senators Kline, Fairley, Franklin and Keiser

Read first time 02/05/2007. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to the collection of personally identifiable
2 information by state agencies; and amending RCW 43.105.020 and
3 43.105.052.

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

5 **Sec. 1.** RCW 43.105.020 and 2003 c 18 s 2 are each amended to read
6 as follows:

7 As used in this chapter, unless the context indicates otherwise,
8 the following definitions shall apply:

- 9 (1) "Department" means the department of information services;
10 (2) "Board" means the information services board;
11 (3) "Committee" means the state interoperability executive
12 committee;
13 (4) "Local governments" includes all municipal and quasi municipal
14 corporations and political subdivisions, and all agencies of such
15 corporations and subdivisions authorized to contract separately;
16 (5) "Director" means the director of the department;
17 (6) "Purchased services" means services provided by a vendor to
18 accomplish routine, continuing, and necessary functions. This term
19 includes, but is not limited to, services acquired for equipment

1 maintenance and repair, operation of a physical plant, security,
2 computer hardware and software installation and maintenance,
3 telecommunications installation and maintenance, data entry, keypunch
4 services, programming services, and computer time-sharing;

5 (7) "Backbone network" means the shared high-density portions of
6 the state's telecommunications transmission facilities. It includes
7 specially conditioned high-speed communications carrier lines,
8 multiplexors, switches associated with such communications lines, and
9 any equipment and software components necessary for management and
10 control of the backbone network;

11 (8) "Telecommunications" means the transmission of information by
12 wire, radio, optical cable, electromagnetic, or other means;

13 (9) "Information" includes, but is not limited to, data, text,
14 voice, and video;

15 (10) "Information processing" means the electronic capture,
16 collection, storage, manipulation, transmission, retrieval, and
17 presentation of information in the form of data, text, voice, or image
18 and includes telecommunications and office automation functions;

19 (11) "Information services" means data processing,
20 telecommunications, office automation, and computerized information
21 systems;

22 (12) "Equipment" means the machines, devices, and transmission
23 facilities used in information processing, such as computers, word
24 processors, terminals, telephones, wireless communications system
25 facilities, cables, and any physical facility necessary for the
26 operation of such equipment;

27 (13) "Information technology portfolio" or "portfolio" means a
28 strategic management process documenting relationships between agency
29 missions and information technology and telecommunications investments;

30 (14) "Oversight" means a process of comprehensive risk analysis and
31 management designed to ensure optimum use of information technology
32 resources and telecommunications;

33 (15) "Personally identifiable information" means information that
34 can be associated with a particular individual through one or more
35 identifiers or other information or circumstances;

36 (16) "Proprietary software" means that software offered for sale or
37 license;

1 ~~((16))~~ (17) "Video telecommunications" means the electronic
2 interconnection of two or more sites for the purpose of transmitting
3 and/or receiving visual and associated audio information. Video
4 telecommunications shall not include existing public television
5 broadcast stations as currently designated by the department of
6 community, trade, and economic development under chapter 43.330 RCW;
7 ~~((17))~~ (18) "K-20 educational network board" or "K-20 board"
8 means the K-20 educational network board created in RCW 43.105.800;
9 ~~((18))~~ (19) "K-20 network technical steering committee" or
10 "committee" means the K-20 network technical steering committee created
11 in RCW 43.105.810;
12 ~~((19))~~ (20) "K-20 network" means the network established in RCW
13 43.105.820;
14 ~~((20))~~ (21) "Educational sectors" means those institutions of
15 higher education, school districts, and educational service districts
16 that use the network for distance education, data transmission, and
17 other uses permitted by the K-20 board.

18 **Sec. 2.** RCW 43.105.052 and 2000 c 180 s 1 are each amended to read
19 as follows:

20 The department shall:

21 (1) Perform all duties and responsibilities the board delegates to
22 the department, including but not limited to:

23 (a) The review of agency information technology portfolios and
24 related requests; and

25 (b) Implementation of statewide and interagency policies,
26 standards, and guidelines;

27 (2) Make available information services to state agencies and local
28 governments and public benefit nonprofit corporations on a full cost-
29 recovery basis. For the purposes of this section "public benefit
30 nonprofit corporation" means a public benefit nonprofit corporation as
31 defined in RCW 24.03.005 that is receiving local, state, or federal
32 funds either directly or through a public agency other than an Indian
33 tribe or political subdivision of another state. These services may
34 include, but are not limited to:

35 (a) Telecommunications services for voice, data, and video;

36 (b) Mainframe computing services;

1 (c) Support for departmental and microcomputer evaluation,
2 installation, and use;

3 (d) Equipment acquisition assistance, including leasing, brokering,
4 and establishing master contracts;

5 (e) Facilities management services for information technology
6 equipment, equipment repair, and maintenance service;

7 (f) Negotiation with local cable companies and local governments to
8 provide for connection to local cable services to allow for access to
9 these public and educational channels in the state;

10 (g) Office automation services;

11 (h) System development services; and

12 (i) Training.

13 These services are for discretionary use by customers and customers
14 may elect other alternatives for service if those alternatives are more
15 cost-effective or provide better service. Agencies may be required to
16 use the backbone network portions of the telecommunications services
17 during an initial start-up period not to exceed three years;

18 (3) Establish rates and fees for services provided by the
19 department to assure that the services component of the department is
20 self-supporting. A billing rate plan shall be developed for a two-year
21 period to coincide with the budgeting process. The rate plan shall be
22 subject to review at least annually by the customer advisory board.
23 The rate plan shall show the proposed rates by each cost center and
24 will show the components of the rate structure as mutually determined
25 by the department and the customer advisory board. The same rate
26 structure will apply to all user agencies of each cost center. The
27 rate plan and any adjustments to rates shall be approved by the office
28 of financial management. The services component shall not subsidize
29 the operations of the strategic planning and policy component;

30 (4) With the advice of the information services board and agencies,
31 develop a state strategic information technology plan and performance
32 reports as required under RCW 43.105.160;

33 (5) Develop plans for the department's achievement of statewide
34 goals and objectives set forth in the state strategic information
35 technology plan required under RCW 43.105.160. These plans shall
36 address such services as telecommunications, central and distributed
37 computing, local area networks, office automation, and end user

1 computing. The department shall seek the advice of the customer
2 advisory board and the board in the development of these plans;

3 (6) Under direction of the information services board and in
4 collaboration with the department of personnel, and other agencies as
5 may be appropriate, develop training plans and coordinate training
6 programs that are responsive to the needs of agencies;

7 (7) Identify opportunities for the effective use of information
8 services and coordinate appropriate responses to those opportunities;

9 (8) Assess agencies' projects, acquisitions, plans, information
10 technology portfolios, or overall information processing performance as
11 requested by the board, agencies, the director of financial management,
12 or the legislature. Agencies may be required to reimburse the
13 department for agency-requested reviews;

14 (9) Develop planning, budgeting, and expenditure reporting
15 requirements, in conjunction with the office of financial management,
16 for agencies to follow;

17 (10) Assist the office of financial management with budgetary and
18 policy review of agency plans for information services;

19 (11) Provide staff support from the strategic planning and policy
20 component to the board for:

21 (a) Meeting preparation, notices, and minutes;

22 (b) Promulgation of policies, standards, and guidelines adopted by
23 the board;

24 (c) Supervision of studies and reports requested by the board;

25 (d) Conducting reviews and assessments as directed by the board;

26 (12) Be the lead agency in coordinating video telecommunications
27 services for all state agencies and develop, pursuant to board
28 policies, standards and common specifications for leased and purchased
29 telecommunications equipment. The department shall not evaluate the
30 merits of school curriculum, higher education course offerings, or
31 other education and training programs proposed for transmission and/or
32 reception using video telecommunications resources. Nothing in this
33 section shall abrogate or abridge the legal responsibilities of
34 licensees of telecommunications facilities as licensed by the federal
35 communication commission on March 27, 1990; (~~and~~)

36 (13) Create and maintain a registry describing the information
37 systems or databases maintained by state agencies that contain
38 personally identifiable information. The registry need not include

1 systems or databases that contain personally identifiable information
2 pertaining solely to public officials acting in their official
3 capacity. The department may require state agencies to provide
4 information necessary to create and maintain the registry. The
5 registry shall contain at least the following information for each
6 system or database:

7 (a) A description of the purpose;

8 (b) A description of the type of information included;

9 (c) The number of records involved;

10 (d) The statutory authorization;

11 (e) The methods by which information is collected or updated;

12 (f) The retention schedule; and

13 (g) A list of any other databases that are merged or matched with
14 this one; and

15 (14) Perform all other matters and things necessary to carry out
16 the purposes and provisions of this chapter.

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