

FINAL BILL REPORT

SB 5786

C 88 L 19
Synopsis as Enacted

Brief Description: Concerning research in public institutions of higher education.

Sponsors: Senators Brown and Palumbo.

Senate Committee on Higher Education & Workforce Development
House Committee on College & Workforce Development

Background: Release of Public Records for Research. For a person to use personal records from a Washington State agency for research, they must apply to the relevant state agency. As long as certain requirements are met, the state agency may authorize access or provide copies of an individually identifiable personal record without the informed consent of that individual. The state agency must have rules on research review and approval including having an appointed, standing human research review board competent to evaluate research proposals for ethical and scientific soundness. The human research review board must also determine the merit and importance of the research, and establish that the research cannot occur without the disclosure of the agency's information.

The state agency must negotiate with the research professional and have a written and legally binding confidentiality agreement prior to disclosure of the information, and the agreement must contain specific safeguards and assurances on the use of the information received. The disclosure of the information must not violate federal law or regulations.

Only under very certain circumstances may a research professional disclose a record in a form that is individually identifiable. It is a gross misdemeanor for a research professional to disclose an individually identifiable personal record or record information from a state agency without authorization.

A state agency, for releasing public records for research, includes:

- the Department of Social and Health Services;
- the Department of Corrections;
- higher education institutions;
- the Department of Health; and
- the Department of Children, Youth, and Families.

Summary: Higher education institutions are removed from the state agencies required to establish a process, agreement, and rules for the release of public records for research.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Votes on Final Passage:

Senate	46	1
House	97	0

Effective: July 28, 2019