
HOUSE BILL 1216

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Hudgins and Morris

Read first time 01/17/11. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to digital copy machines used by public agencies;
2 adding a new chapter to Title 40 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that most digital copy
5 machines use internal hard drives, which store every document that has
6 been scanned, printed, faxed, or e-mailed by the machines. These
7 electronic records remain on the hard drive until the hard drive is
8 erased. Given the highly sensitive nature of some of the information
9 stored on digital copy machines used by public agencies, it is
10 important that this information be erased when digital copy machines
11 are returned or resold. It is the intent of the legislature to
12 establish rules for public agencies to follow when disposing of digital
13 copy machines to protect consumer information and prevent identity
14 theft.

15 NEW SECTION. **Sec. 2.** The definitions in this section apply
16 throughout this chapter unless the context clearly requires otherwise.

17 (1) "Agency" includes all state agencies and all local agencies.

1 (a) The term "state agency" includes every state office,
2 department, division bureau, board, commission, or other state agency.

3 (b) The term "local agency" includes every county, city, town,
4 municipal corporation, quasi-municipal corporation, special purpose
5 district, or school district, or any office, department, division,
6 bureau, board, commission, or agency thereof, or other local public
7 agency.

8 (2) "Public record" has the same meaning as defined in RCW
9 42.56.010.

10 (3) "Record" means any document recorded or preserved by any means.

11 NEW SECTION. **Sec. 3.** (1) Prior to returning, selling, or
12 otherwise disposing of a digital copy machine, an agency must review
13 any records stored on the digital copy machine and destroy, or arrange
14 for the destruction of, such records when the records are no longer
15 being retained by the agency. For the purposes of this section,
16 records are destroyed by erasing or otherwise modifying those records
17 to make them unreadable or undecipherable through generally available
18 means.

19 (2) Records stored on a digital copy machine that contain
20 confidential or sensitive information and are considered a public
21 record must be handled consistent with the provisions of chapter 42.56
22 RCW.

23 (3) An agency must maintain a log of all digital copy machines
24 disposed of by the agency and indicate for each machine whether the
25 records were destroyed upon disposal and the method used. This log
26 must be produced by the agency upon request during a relevant audit.

27 NEW SECTION. **Sec. 4.** The legislature finds that the practices
28 covered by this chapter are matters vitally affecting the public
29 interest for the purpose of applying the consumer protection act,
30 chapter 19.86 RCW. A violation of this chapter is not reasonable in
31 relation to the development and preservation of business and is an
32 unfair or deceptive act in trade or commerce and an unfair method of
33 competition for the purpose of applying the consumer protection act,
34 chapter 19.86 RCW.

1 NEW SECTION. **Sec. 5.** The department of general administration
2 must include in any contract for the lease, rental, or sale of a
3 digital copy machine a provision notifying the purchaser or lessor of
4 their obligation under contract to properly handle and dispose of any
5 records stored on the digital copy machine before returning, selling,
6 or disposing of the digital copy machine.

7 NEW SECTION. **Sec. 6.** (1) It is unlawful for any person to either:
8 (a) Purchase, lease, or otherwise acquire a digital copy machine from
9 the department of general administration or other agency; or (b) sell
10 or lease a digital copy machine to an agency, or both, without first
11 properly destroying, or arranging for the destruction of, any existing
12 records stored on the digital copy machine.

13 (2) For the purposes of this section, records are destroyed by
14 erasing or otherwise modifying those records to make them unreadable or
15 undecipherable through generally available means.

16 (3) For the purpose of this section, "person" means any individual,
17 corporation, business trust, estate, trust, partnership, limited
18 liability company, association, joint venture, government, governmental
19 subdivision, agency or instrumentality, public corporation, or any
20 other legal or commercial entity.

21 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute
22 a new chapter in Title 40 RCW.

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