

FOR IMMEDIATE RELEASE

Nov. 8, 2007

ACCESS TO ELECTRONIC RECORDS FOCUS OF WASHINGTON COALITION FOR OPEN GOVERNMENT'S 2008 LEGISLATIVE AGENDA

Washington Coalition for Open Government

6351 Seaview Avenue NW

Seattle, Washington 98107-2664

www.washingtoncog.org

Phone: (206) 782-0393

Fax: (206) 623-4474

Legislation to require all government agencies to automatically archive all e-mail traffic and properly preserve other electronic documents and make them available to the citizens of Washington State are among its top priorities for the 2008 legislative session, the Washington Coalition for Open Government announced today.

Another top priority is legislation to clarify the extent of the attorney-client privilege of lawyers who work for public entities. The privilege claim has been widely used to shield government records from the public since a disputed state Supreme Court decision in 2004.

"The Sunshine Committee has made a great start on reviewing all the exemptions to the public records act, but that will be a long process," said Toby Nixon, president of the Coalition, referring to the Public Records Exemptions Accountability Committee established by the legislature earlier this year. "The people of Washington need immediate action on these priorities to reverse the erosion of access to government records and meetings and restore the original intent of our open government laws."

Other top priorities during the upcoming legislative session include:

-- Increase financial penalties for violations of the Open Public Records Act. The penalties have not been adjusted for inflation since the Act was passed by initiative in 1972 and are now far too small to force disclosure of records by reluctant officials. In addition to larger civil penalties, a willful violation of the records act should result in a gross misdemeanor charge against the violator.

-- Require audio recording of the executive sessions of all public governing bodies. While these recordings and their transcripts would remain exempt from public disclosure, they could be reviewed by a judge to determine if any discussion was done improperly without public scrutiny or exonerate officials who have been accused of improper discussions during an executive session.

-- Create an independent open government ombudsman. The existing ombudsman post created by the attorney general has been valuable, but having the job inside the AG's office creates an inherent conflict of interest because the primary job of the Attorney General is to represent state agencies – including those seeking to withhold public records. An independent ombudsman would be directly accountable to the public and able to help citizens gain access to records without having to file a lawsuit.

-- Make an intentional violation of the Open Public Meetings Act a criminal act. The current \$100 civil penalty for an open meeting violation does little or nothing to prevent abuse. A criminal misdemeanor charge against an official who deliberately violates the Act would be a powerful incentive for compliance.

-- Require open records and open meetings law training for all government employees and elected officials – both at the time of their initial hiring or selection and on an ongoing annual basis.

For a complete list and explanation of WCOG's 2008 legislative priorities, please visit the WCOG Web site at http://www.washingtoncog.org/media/images/government/legislative_agenda.pdf.

The Washington Coalition for Open Government (WCOG) is a non-profit organization founded in 2003 by a group of individuals representing a broad spectrum of opinions and backgrounds, all dedicated to the principles of strengthening the state's open government laws and protecting the public's access to government at all levels.

For more information, contact Washington Coalition for Open Government, 6351 Seaview Avenue NW, Seattle, WA 98107-2664 or on the web at www.washingtoncog.org or call (206) 782-0393.

To contact the Coalition president, Toby Nixon, for comment, email him at president@washingtoncog.org or call him at 206-790-6377 (mobile).

WCOG is building a network of citizens who support open government laws and practices. Please send to info@washingtoncog.org your name, address, phone, and e-mail address. We will notify you, as they arrive, of threats to open government and opportunities to strengthen it.