

## **Criminal Justice Consortium**

April 15, 2014 10am – noon  
Office of Financial Management  
302 Sid Snyder Avenue SW, Room 440  
Olympia, WA 98501

### **Meeting Notes**

#### **I. Introductions**

Present: Keri-Anne Jetzer (OFM-SAC), Thea Mounts (OFM-SAC), Michael Evans (DOC), Dawn Larsen (WASPC), Beth Drake (WSIPP), Jim Mayfield (DSHS-RDA), Stephanie Happold (AOC), Bob Marlatt (WSP), John Steiger (CFC) Cody Stoddard (CWU – on the phone).

#### **II. Public Disclosure questions – Roselyn Marcus**

Roselyn Marcus and Aimee Simon from OFM briefed members on the basics of the public disclosure act and responded to questions.

- 1. How to keep the consistency of public disclosure interpretation (i.e different levels of government have a different interpretation)? Is there one person who can/does make the final decision? Are there ways to make this a more logical process?***

When differing legal opinions prevail on a topic, Roselyn suggested going to the Attorney General's Ombud's office or the Solicitor General's office. These two offices will help obtain a coordinated response for the state.

- 2. How do the public disclosure laws and criminal justice standards relate to each other? Does one have precedence?***

Public disclosure exemptions can be found in chapter 42.56 RCW, other state statutes and federal laws. They can all be used as an exemption source. The source of the exemption must be cited when denying the request.

- 3. Can Agency B send a public disclosure requestor asking for Agency A data that was obtained by Agency B for research purposes back to the source (Agency A) to fulfill the request? The idea is that the source agency would be the expert on that data.***

When an agency receives information or data that is used as part of their business purpose, that information becomes part of the agency, even if obtained from another agency. If a public disclosure request asks for that information or data must be provided even if the agency is not the originator or source. You can let the other agency know that it is being given.

An exception is when the agency is operating a system and other agencies are providing information into that system. The agency is the administrator and not the owner of the data, such as DES operating the state's email system. They are the administrator of the system not the user, holder or owner of the data in the system and therefore would not be required to respond to any public disclosure requests for emails in that system.

**4. *Is a 'hybrid' dataset (dataset that combines data from at least one outside agency, ex. OFM data merged with DOC data) considered an 'original' dataset as regards public disclosure requests?***

Ro explained that merging multiple datasets into a hybrid dataset does not give it any special privileges under public disclosure laws. If a request comes in for data from one of three agencies that the hybrid dataset was created with, if it is possible to pull out that agency's data separately, it must be given. If it is not available separately, the requestor would need to go to the source agency.

If protected data is merged with public data and a new variable is created using both protected and public data, would that new variable be protected? Ro explained that the new variable could be redacted or not included with the rest of the data that is being requested. Non-confidential data does not become confidential because it has been merged with confidential data. However, if an individual found in confidential dataset is merged with public data but can still be identified (without the use of identifiers), data on that individual is still considered confidential. Ro reminded the members that it depends on what the data is and the statute that protects it and is likely to be a case-by-case decision.

Records retention schedules were discussed. As researchers, we prefer and sometimes need to hold on to data we've used, however, that also extends the public disclosure requests.

John Steiger provided a copy of SSB 1651 language that shows the Caseload Forecast Council may share confidential data for research purposes as long as the anonymity of persons is maintained.

### **III. Consortium Intents/Guidelines - Draft**

After discussion, the members decided not to pursue this topic further.

### **IV. Next steps**

#### **➤ Model Data-sharing Agreement Draft**

Keri-Anne spoke about the National Institute of Standards Guidelines for Media Sanitation Appendix A recommendations and compared them to those included in the model data-sharing agreement. The members decided to keep both in the model but perhaps highlight one of them to denote that it is optional.

Keri-Anne will send it to OFM's contract person for review and bring the final draft to the May meeting.

#### **➤ Database Map Draft**

Keri-Anne will get in contact with each agency to gather information on the 3Cs and have a final draft available at the May meeting.

Keri-Anne reminded members that the grant portion of the Consortium ends at the end of June. In order to complete everything that has been started, she has planned meetings for May and June. After that, the group will decide if they want to continue meeting and how frequently if they do.

The Council for State Governments will need a data consensus group to review their analyses probably in fall and Keri-Anne said she would be in contact with group members when that time comes.

Dawn Larsen discussed the jail data grant that the SAC is applying for. She mentioned that the jail data vendor is meeting individually with agencies with the idea that each agency may purchase jail data from them. She suggested that the agencies not move forward on that until we learn whether the SAC grant application has been approved. If it is approved, it will save the other agencies quite a bit of money toward obtaining jail data plus the SAC would provide a quality analysis on the dataset as well as standardization to some of the variables thereby making it more user-friendly. Thea Mounts said that she hoped that she would receive notification of the award before September. Thea and Keri-Anne would let the members know when that happens.

The next meeting is set for May 21, 2014 from 9a – 11a in the same location.