



PUBLIC DISCLOSURE COMMISSION

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To: Members, Washington State Public Disclosure Commission
From: Lori Anderson, Communications & Training Officer
Date: August 14, 2014
Re: Online Access to Personal Financial Affairs Statements

AGENDA

During the August retreat, the Commission will discuss whether to begin posting on-line some or all information from Personal Financial Affairs Statements (F-1 reports) filed by candidates, elected officials, certain appointed officials, and professional staff of the legislature and governor.

BACKGROUND

The 2013 -15 Strategic Plan calls for the Commission to evaluate whether F-1 reports should be available on-line:

Goal: Adapt the Commission's methods of receiving and distributing data to the changing technological environment in which we and our customers operate.

- 5.5 Evaluate, through a pro-active stakeholder process, whether the Commission should begin posting on-line some or all information from candidate and annual F-1 forms and, if limited information from F-1s is to be posted, how to accomplish that in a technologically feasible manner and within available resources.

Legislative history and other background information regarding the F-1 reporting requirements were provided in the [June meeting materials](#). Staff also provided updates during the [April](#) and [May](#) Commission meetings that summarized the comments received.

DISCUSSION

The Commission has received stakeholder and public comment through various meetings, a public survey, and written comments. Additional comment from the Superior Court Judges' Association was received after the July meeting and is attached.

The majority of survey responses (56% of 513 responses) favored at least some F-1 content being available on-line. Filers, however, expressed concern that having their information on-line would increase their risk of identity theft and compromise personal safety. During a June work session, individuals with expertise in the areas of concern opined that the F-1 report does not contain social security numbers, account numbers, or other personal information that would

directly enable identity theft, but does contain the kind of information that could put a person at higher risk of being targeted or make it easier for identity theft attempts through “fishing scams” and other methods. Washington State’s Cyber Liability Program Manager recommended that the agency meet the state’s information technology security standards before the Commission proceeds further with making F-1 reports available on-line.

Current F-1 Dissemination

Complete F-1 reports are provided upon request. Staff typically receives requests by email or through the Commission’s public records request process. The requested F-1 reports are then emailed to the requester or, if a large number of reports are requested, copied to CD. The average number of F-1 reports requested in each of the last three calendar years was 1,618. Some F-1 filers suggested that the Commission should establish stricter controls for responding to these requests. During the June work session, the Commission discussed establishing policies that would allow staff to exercise discretion in responding to requests for F-1s and whether such a policy would likely be challenged.

Limited information from statewide officials’ and legislators’ F-1 reports is currently on-line. In 1975 the Commission adopted [WACs 390-14-100](#) and [390-14-110](#), which require the staff to make certain F-1 content available annually to lobbyist employers and major contributors. These persons are required by [RCW 42.17A.630 \(1\)\(a\)](#) to disclose compensation paid by a lobbyist employer to statewide officials, legislators, and their immediate family members for personal employment or professional services. The “Elected Officials List” contains the names of family members and dependents as well as income disclosed on the F-1, Section 1 and the entities listed on the F-1 Supplement Page. The list has been posted on the PDC website each year since at least 2002 and is referenced in filing reminders sent to lobbyist employers to assist them in meeting their statutory filing obligations.

STAFF RECOMMENDATIONS

Not currently meeting the state’s IT security standards and having a vacancy in the IT division since May are significant hurdles to making recommendations that are “technologically feasible” and “within available resources.” Work is underway to ensure that the agency meets the latest security standards. Future staffing is uncertain given the current directives to prepare for FY16 budget cuts.

After considering the broad spectrum of suggestions offered by stakeholders within these confines and weighing the competing values of government transparency and filers’ concerns, staff makes these recommendations that the Commission may wish to consider implementing incrementally:

1. Add a button/clickable icon to the website that generates a request for copies of F-1 reports. While this would make the availability of the F-1 form more obvious to website visitors and simplify the request process, there would be little to no change in how staff processes these requests from the current practice where requests come in by email or through the on-line public records request form. This recommendation could be implemented now.

2. Once the agency has met the state's IT security standards and has the available resources, create a searchable database containing limited information from statewide officials' and legislators' F-1 reports. Staff recommends starting with the Income sections and F-1 Supplements, since that information is currently being compiled and, for the most part, available on-line now.
3. After a prescribed period a time from the implementation of recommendation #2, review the impact and determine whether to expand either the content available (i.e., additional sections) for the same category of filers or the categories of filers whose information should be included in the database.
4. At a future date, study the feasibility of an "all access" approach under which users establish accounts/profiles and are given direct on-line access to F-1 reports.

In the event the Commission wishes to consider other options, staff recommends the Commission return to these questions:

Whose F-1 should be on-line?

- All F-1 filers
- All F-1 filers within the PDC's jurisdiction
- Equal treatment for candidates and elected officials?
- Determined by office:
 - Only statewide officials, legislators (Supreme Court included)
 - Statewide officials & legislators plus
 - Judges & judicial candidates
 - State agency directors
 - Professional staff of the legislature and governor
 - Higher education presidents, regents, and trustees
 - State board & commission members
 - Local elected officials and candidates
 - County
 - City/Town
 - Remaining local offices (includes school directors, fire commissioners, port commissioners, utility (water, sewer, PUD) commissioners, park commissioners, municipal corporation officers, and civil service board members)

How much of the F-1 should be on-line?

- Entire F-1, including supplement
- All, except:
 - Name of spouse, dependents
 - Residential address information
 - Names of banks/financial institutions
 - Physical signature
 - Dollar codes

- Only filer's name, office held/sought, contact information, and confirmation that F-1 is on file
- Name, office, contact information, plus:
 - Income, sources and amounts by dollar code
 - Business interests
 - Real estate, without residential address
 - Bank accounts/assets/investments
 - Creditors
 - F-1 Supplement lobbying section
 - F-1 Supplement food/beverage section
 - Spouse's name
 - Names of dependents

How should F-1 information be accessible on-line?

- Images of reports on website (complete or redacted images of filed reports)
- A searchable database
- Icon with a link to on-line public records request form when an F-1 showing F-1 is on file on-line public records request form

Should the Commission seek legislative amendments before proceeding to make F-1 information available on-line?

- An amendment that would make it unlawful for F-1 information to be used for any unlawful purpose
- Amendments to address issues raised by professional staff

Attachment: July 25 letter from Superior Court Judges' Association



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COURTS

Superior Court Judges' Association

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Jeffrey M. Ramsdell, President
King County Superior Court
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July 25, 2014

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Dear Ms. Anderson:

RE: ELECTRONIC ACCESS TO F-1 FORMS

Marilyn K. Haan, Treasurer
Cowlitz County Superior Court
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At its June 15, 2014 meeting, the Superior Court Judges' Association Board of Trustees discussed the F-1 Personal Financial Affairs form and the proposal to post the filed forms on line. After considerable discussion, the Board voted 1) to not recommend any changes to the form itself, but 2) to oppose making the F-1 forms available electronically because it unnecessarily increases security risks for judges and their families without furthering the underlying purpose of the filing.

Board of Trustees

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Barbara Linde
King County Superior Court
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Regarding the prospect of altering the content of the form, several judges opined that the form as currently drafted provides options for avoiding some of the obvious security problems. For example, the form specifically allows filers to put their tax parcel number on the form instead of their home address. Accordingly, the majority of the Board members felt that the current safeguards were sufficient. The Board members also acknowledged that information regarding a spouse could be relevant to concerns related to corruption or inappropriate influence. Therefore, the judges felt that that information should to be disclosed. For these reasons, the SCJA Board declines to recommend any changes to the structure of the F-1 form.

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That said, the majority of the Board concluded that although the F-1 forms should not be changed, there is no adequate justification to post the information on line in order to make it immediately accessible. The filing of the information with the PDC and its current level of availability provides an adequate check on corrupting influences. Affording immediate access simply increases the danger that the information will be misused for improper purposes in the heat of the moment.

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Ms. Lori Anderson
July 22, 2014
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Public Disclosure Commission

Thank you for affording the SCJA Board an opportunity to provide input on these significant topics.

Sincerely,



Jeffrey M. Ramsdell
President-Judge, SCJA

cc: Board of Trustees
Ms. Janet Skreen

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