



*Washington*  
**Secretary of State**  
KIM WYMAN

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March 8, 2013

The Hon. Michael Schwab  
Chair  
Public Records Exemptions Accountability Committee  
c/o Washington State Office of the Attorney General  
PO Box 40100  
Olympia WA 98504-0100

Dear Judge Schwab:

Thank you for the opportunity to review the Sunshine Committee's proposed draft amendments to RCW 40.14.030(2).

The State Archives would urge the Committee to simplify the existing 75-year rule in RCW 40.14.030(2). This change would simply remove the need for the concurrence of the originating agency after 75 years to make an exempt/confidential record available to researchers.

State government was very different in 1938 than it is today. Many of today's state agencies, such as Department of Social and Health Services and the Department of Ecology, did not exist 75 years ago. There is every reason to expect that state government will look much different 75 years from now.

This change would provide the State Archives with a "bright-line" test of 75 years to make all exempt/confidential records public.

We also believe the 75-Year rule protects the privacy of living persons. The average life expectancy of someone born in 1938 was 61.9 years for males and 65.3 years for females. This is a good ten years shorter than the 75 years required for releasing exempt/confidential public records. Females born in 1971 are the first population with an average life expectancy exceeding 75 years. Any exempt/confidential records from 1971 would not become available for research until 2046. This affords future Legislatures an opportunity to revisit the 75-year rule well ahead of 2046.

Again, thank you for the opportunity to comment on the ongoing and excellent work of the Sunshine Committee.

Sincerely,

STEVE EXCELL  
Washington State Archivist

cc: Rebecca Podszus  
Tim Ford