WASHINGTON
COURTS

November 27, 2013

TO: JISC Data Dissemination Committee

FROM: Stephanie Happold, AOC Data Dissemination Administrator

RE: HCA Request for Access to JIS DCH Screen - Recommendation

The State of Washington Health Care Authority (HCA) currently has Level 1 Public access to Judicial Information System (JIS) screens. A customer's access level determines which JIS screens are available to that subscriber. The HCA is requesting access to the JIS DCH screen that is not available to Level 1 users. The DCH screen displays the Defendant Case History and lists all the criminal cases in which the subject has been a party.

The AOC recommendation is to grant HCA access to the DCH screen

The DCH is a compiled JIS report, meaning it contains information from more than one case and/or court. Because it is a compiled record, it is not available to JIS Level 1 users. Most governmental agencies that are not public defenders, prosecutors, city attorneys, juvenile agencies, probation departments, law enforcement agencies, DOC, and WSP certified criminal justice agencies, are given level 1 public access. However, the Data Dissemination Policy (DD Policy) permits "public purpose agencies" to be granted additional access to JIS records beyond that which is permitted the public.[1] A public purpose agency is a governmental agency included in the definition of agency in RCW 42.17.020[2] and other non-profit organizations whose principal function is to provide services to the public.[3]

The JIS Committee (JISC) bestowed the Data Dissemination Committee the responsibility to act on behalf of the JISC in reviewing and acting on requests for access to JIS by non-court uses.[4] The DD Policy sets forth criteria which this Committee may use in deciding the HCA request:

> The extent to which access will result in efficiencies in the operation of a court or courts.
> The extent to which access will enable the fulfillment of a legislative mandate.
> The extent to which access will result in efficiencies in other parts of the criminal justice system.
> The risks created by permitting such access.[5]

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[1] DD Policy, Sec. IX.B.
[2] Definition of "agency" in RCW 42.17.020 was later recodified in RCW 42.17A.005(2).
[3] DD Policy, Sec. IX.A.
[4] JISC Bylaws, Article 7, Secs. 1 and 2.
[5] DD Policy, Sec. IX.C.

In reviewing the HCA request, the HCA qualifies as a "public purpose agency" as it falls under the statutory definition of "agency." The HCA is required to recover Medicaid expenses from liable third parties as per 42 USC 1396a (a)(5) and RCW 41.058A.070(1)-(2). As presented in the request, the DCH screen would assist the HCA in fulfilling its statutory obligations by aiding in the determination of whether or not the party's monies are being allocated to other agencies before this financial obligation, and if the party is current with payments.

To ensure the HCA will use the DCH screen for the reasons set forth in the request, a written agreement between the HCA and AOC would be entered that limits the use of the information solely to the regulatory function described above. If the Committee grants HCA access to the DCH screen, the HCA current agreement for JIS access should be amended to specify the data to which access is granted, specify the uses the HCA may make of the data, and require that the HCA agree that its employees will access the data only for the uses specified.[6]

[6] DD Policy, Sec.IX.D.