
HOUSE BILL 2730

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By Representatives Jacobsen, G. Cole, R. Fisher, Wineberry, Nelson, Valle, Zellinsky, Ludwig, Franklin, Bray and J. Kohl

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1 AN ACT Relating to privacy; adding new sections to chapter 9.73
2 RCW; creating a new section; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The Constitution of the state of
5 Washington provides that "no person shall be disturbed in his private
6 affairs, or his home invaded, without authority of law." The
7 legislature finds that the advancement of technology has made
8 electronic transfer of personal data quick, easy, and commonplace, and
9 it is in the interest of the state to regulate the dissemination of
10 that information in order that its citizens' right to privacy is not
11 abused. Therefore, the legislature prescribes certain safeguards for
12 the use of private information maintained by public and private
13 entities that collect personally identifying information.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.73 RCW
2 to read as follows:

3 (1) Prior to the sale, marketing, transmission, release, or
4 dissemination of personally identifying information, other than name,
5 address, and telephone number, a public or private entity must obtain
6 the written consent of the person identified in the information.
7 Written consent under this subsection may be for a specific purpose or
8 for all purposes, but shall be valid for no longer than one year. A
9 request for consent under this subsection shall include a notice of the
10 purposes for which consent is sought and the entities that are likely
11 to receive the information. A person who has given permission for the
12 dissemination of personally identifying information under this
13 subsection at any time may request the entity providing the information
14 to provide a copy of the information. Any person who has given written
15 consent under this subsection to the dissemination of personally
16 identifiable information may rescind that permission in writing. The
17 entity disseminating the information shall cease making available the
18 personally identifying information within thirty days after the date of
19 the written notice.

20 (2) A public or private entity may disseminate the name, address,
21 or telephone number of a person unless that person has requested in
22 writing that the person's name not be disseminated. The entity
23 disseminating the name, address, or telephone number shall cease making
24 the information available within thirty days after the date of the
25 written request.

26 (3) Information which can personally identify a person includes,
27 but is not limited to: The type or nature of purchases; usage
28 patterns, such as use of electricity, gas, or telephone and amount of
29 usage, time of day of usage, or types or frequencies of phone calls

1 made; personal financial information and credit worthiness; and
2 demographic information by individual or family.

3 (4) This section shall not apply to the dissemination of personally
4 identifiable information specifically authorized by other statute or
5 disseminated during the course of a criminal investigation.

6 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.73 RCW
7 to read as follows:

8 (1) Upon written request of the customer, a consumer reporting
9 agency shall provide to a person who is the subject of a consumer
10 report a copy of all information and sources of that information
11 contained in the consumer report and a list of all persons receiving a
12 copy of the information within the report during the previous twelve
13 months. The information in the copy provided to the consumer shall be
14 disclosed in an easily understandable format and shall not include
15 codes or trade language not readily understandable by a person not
16 engaged in the consumer reporting business. In a twelve-month period,
17 a customer is entitled to one copy without charge of the information
18 required to be disclosed by this subsection.

19 (2) If a customer has been denied credit, employment, or insurance,
20 or if any other adverse action has been taken based on information in
21 a consumer report, upon written request of the consumer, the consumer
22 reporting agency shall provide a copy of the consumer report to the
23 consumer at no charge to the consumer.

24 (3) If a consumer alleges that a consumer report contains factual
25 errors, the consumer reporting agency shall investigate the disputed
26 information within thirty days of written notification by the consumer.
27 The consumer reporting agency shall make a determination concerning the
28 accuracy of the information within sixty days after receiving the
29 written notification. If a consumer establishes that a consumer report

1 contains errors, the consumer reporting agency shall correct the errors
2 in its records. The consumer reporting agency within seven days shall
3 notify the consumer and any person who has received a copy of the
4 inaccurate information within the previous twelve months of the
5 corrected information.

6 (4) For the purposes of this section the following terms have the
7 following meanings:

8 (a) "Consumer" means an individual;

9 (b) "Consumer report" has the meaning in the federal fair credit
10 reporting act, 15 U.S.C. Sec. 1681a(d); and

11 (c) "Consumer reporting agency" has the meaning in the federal fair
12 credit reporting act, 15 U.S.C. Sec. 1681a(f).

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 9.73 RCW
14 to read as follows:

15 (1) The dissemination of personally identifying information is a
16 matter affecting the public interest for the purpose of applying
17 chapter 19.86 RCW. The dissemination of personally identifying
18 information without permission and the failure to disclose a consumer
19 report to a consumer is not reasonable in relation to the development
20 and preservation of business. A violation of section 2 or 3 of this
21 act constitutes an unfair or deceptive act or practice in trade or
22 commerce for the purpose of applying chapter 19.86 RCW. In addition to
23 any other remedies, any aggrieved person may commence a civil action
24 for damages for invasion of privacy against a public or private entity
25 that violates section 2 or 3 of this act, including special damages of
26 not less than ten thousand dollars.

27 (2) Any person who intentionally disseminates personally
28 identifying information in violation of section 2 of this act is guilty
29 of a gross misdemeanor as provided in chapter 9A.20 RCW.