
HOUSE BILL 2875

State of Washington

64th Legislature

2016 Regular Session

By Representatives Smith, Morris, and Magendanz

Read first time 01/25/16. Referred to Committee on Technology & Economic Development.

1 AN ACT Relating to establishing the office of data privacy,
2 protection, and access equity; adding a new chapter to Title 43 RCW;
3 and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the rapid
6 expansion of digital technology and mobile networks is changing how
7 citizens access and share personal data and communications. Data
8 privacy, data security, and access equity are of increasing concern
9 for all residents of the state. State agencies and programs entrusted
10 by citizens with sensitive personal information must serve as
11 responsible custodians of such data. The state can also play an
12 important role in educating local governments and consumers about
13 measures that may help them protect such information and as an
14 advocate for access equity. In an interconnected world, citizens who
15 lack meaningful access to digital technology, including mobile
16 networks and high-speed internet connections, lack the necessary
17 tools for sharing in the state's technology, innovation, and economic
18 development successes. While certain urban areas may benefit from
19 more universal access, recent federal reports document that in many
20 Washington counties, more than seventy percent of residents do not
21 have access to broadband at benchmark speeds. The legislature finds

1 that it is a priority for Washington to identify and remedy any
2 disparity in advanced telecommunications and data access in our
3 state. For the forgoing reasons, the legislature finds that it is
4 necessary and efficient to have a central point of contact for policy
5 matters involving privacy, data protection, and access equity.

6 NEW SECTION. **Sec. 2.** (1) The office of data privacy,
7 protection, and access equity is created in the department of
8 enterprise services. The purpose of the office is to serve as a
9 central point of contact for state agencies on policy matters
10 involving data privacy and data protection, and to serve as a forum
11 for ensuring equitable consumer access to communications and data
12 technology.

13 (2) The governor must appoint the director of the office. The
14 director may employ such staff as are necessary, or contract with
15 another state agency pursuant to chapter 39.34 RCW, for support in
16 carrying out the purposes of this chapter.

17 NEW SECTION. **Sec. 3.** The definitions in this section apply
18 throughout this chapter unless the context clearly requires
19 otherwise.

20 (1) "Advanced telecommunications capability" means access to both
21 mobile broadband and fixed broadband through a high-speed, high-
22 capacity connection capable of supporting bandwidth-intensive uses by
23 multiple users in a household or business.

24 (2) "Benchmark speed" means the speed established by the federal
25 communications commission as the benchmark for measuring broadband
26 deployment in its most recent broadband progress report made pursuant
27 to section 706 of the telecommunications act of 1996.

28 (3) "Office" means the office of data privacy, protection, and
29 access equity.

30 (4) "Personally identifiable information" means information
31 collected by a state agency about a natural person that is readily
32 identifiable to that specific individual.

33 NEW SECTION. **Sec. 4.** The office has the following duties with
34 respect to state agencies:

35 (1) Conducting an annual privacy review;

36 (2) Conducting an annual privacy training for state agencies and
37 employees;

1 (3) Articulating privacy principles and best practices;

2 (4) Coordinating data protection and security measures, in
3 cooperation with Washington technology solutions and the Washington
4 state office of the chief information officer;

5 (5) Participating with the Washington state office of the chief
6 information officer in the review of major state agency projects
7 involving personally identifiable information;

8 (6) Cooperating and consulting with the state auditor in audits
9 of state government and local agencies' data storage and management
10 practices; and

11 (7) Consulting with and advising the Washington state office of
12 the chief information officer and the office of cybersecurity on the
13 privacy issues relating to risk management and cyber attack threat
14 analysis and liability.

15 NEW SECTION. **Sec. 5.** The office must serve as a resource to
16 local governments and the public on data privacy and protection
17 concerns, by:

18 (1) Developing and promoting the dissemination of best practices
19 for the collection and storage of personally identifiable
20 information, including establishing and conducting a training program
21 or programs for local governments; and

22 (2) Educating consumers about the use of personally identifying
23 information on mobile and digital networks and measures that can help
24 protect such information.

25 NEW SECTION. **Sec. 6.** The office must evaluate the extent to
26 which consumers across the state have functional access to
27 telecommunications capability that permits their full participation
28 in an advanced, data-driven economy.

29 (1) By December 1, 2016, and every four years thereafter, the
30 office must prepare and submit to the legislature a report evaluating
31 the extent to which telecommunications providers in the state are
32 deploying advanced telecommunications capability at benchmark speeds
33 for download and upload. The report must assess the existence of a
34 digital divide in the state, including but not limited to a
35 discussion of the following:

36 (a) Any inequality in access experienced by residents of tribal
37 lands and economically distressed communities;

1 (b) Any urban-rural divide, as indicated by inequality in access
2 experienced by residents of urban versus rural areas; and

3 (c) The extent to which the federal communications commission's
4 short and long-term goals for connectivity to advanced
5 telecommunications capabilities are being achieved in the state with
6 respect to schools, tribes, and rural areas.

7 (2) The office is encouraged to include in its report any
8 recommendations about whether the definitions for "benchmark speed"
9 or "advanced telecommunications capability" provided in section 3 of
10 this act should be updated in order to better facilitate evaluation
11 of the existence of a digital divide and inequalities across the
12 state in achieving fundamental access to this communications
13 technology as is necessary to promote economic development in a data-
14 driven economy.

15 NEW SECTION. **Sec. 7.** (1) The office must establish performance
16 measures in its 2016 report to the legislature and, in each report
17 thereafter, demonstrate the extent to which performance results have
18 been achieved. These performance measures must include, but are not
19 limited to, the following:

20 (a) The number of state agencies and employees who have
21 participated in the annual privacy training;

22 (b) A metric to measure the extent of the office's coordination
23 with international and national experts in the fields of data
24 privacy, data protection, and access equity;

25 (c) A metric to measure implementation of data protection or
26 security measures by state agencies attributable in whole or in part
27 to the office's coordination of efforts;

28 (d) Metrics to measure the success of consumer education efforts,
29 including but not limited to the number of consumers educated through
30 public outreach efforts, as indicated by how frequently educational
31 documents were accessed, the office's participation in outreach
32 events, and inquiries received back from consumers via telephone or
33 other media;

34 (e) A metric to demonstrate the extent to which the reports
35 documenting any digital divide in access to advanced
36 telecommunications services have been provided in a timely and
37 meaningful fashion to relevant policymakers; and

38 (f) A qualitative summary of how documentation of the digital
39 divide may have informed public discussion about the issue.

1 (2) The office must submit the performance measures and a data
2 collection plan for review and comment to the joint legislative audit
3 and review committee within one year of the effective date of this
4 section.

5 NEW SECTION. **Sec. 8.** (1) The joint legislative audit and review
6 committee must conduct a program and fiscal review of the office
7 authorized in this chapter. The review must be completed by June 30,
8 2025, and findings reported to the legislature and the governor by
9 December 1, 2025. The report must be prepared in the manner set forth
10 in RCW 44.28.071 and 44.28.075.

11 (2) This section expires July 1, 2026.

12 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act
13 constitute a new chapter in Title 43 RCW.

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