

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2875

Chapter 195, Laws of 2016

64th Legislature
2016 Regular Session

OFFICE OF PRIVACY AND DATA PROTECTION--CREATION

EFFECTIVE DATE: 6/9/2016

Passed by the House February 15, 2016
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 1, 2016
Yeas 40 Nays 8

BRAD OWEN

President of the Senate

Approved April 1, 2016 3:54 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2875** as passed by House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 4, 2016

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2875

Passed Legislature - 2016 Regular Session

State of Washington

64th Legislature

2016 Regular Session

By House Technology & Economic Development (originally sponsored by Representatives Smith, Morris, and Magendanz)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to establishing the office of data privacy,
2 protection, and access equity; adding a new section to chapter 43.105
3 RCW; adding a new section to chapter 44.28 RCW; creating a new
4 section; and providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the rapid
7 expansion of digital technology and mobile networks is changing how
8 citizens access and share personal data and communications. Data
9 privacy, data protection, and access equity are of increasing concern
10 for all residents of the state. State agencies and programs entrusted
11 by citizens with sensitive personal information must serve as
12 responsible custodians of this data. The state can also play an
13 important role in educating local governments and consumers about
14 measures that may help them protect this information and as an
15 advocate for access equity. In an interconnected world, citizens who
16 lack meaningful access to digital technology, including mobile
17 networks and high-speed internet connections, lack the necessary
18 tools for sharing in the state's technology, innovation, and economic
19 development successes. For the forgoing reasons, the legislature
20 finds that it is necessary and efficient to have a central point of

1 contact for policy matters involving data privacy, data protection,
2 and access equity.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.105
4 RCW to read as follows:

5 (1) The office of privacy and data protection is created within
6 the office of the state chief information officer. The purpose of the
7 office of privacy and data protection is to serve as a central point
8 of contact for state agencies on policy matters involving data
9 privacy and data protection.

10 (2) The director shall appoint the chief privacy officer, who is
11 the director of the office of privacy and data protection.

12 (3) The primary duties of the office of privacy and data
13 protection with respect to state agencies are:

14 (a) To conduct an annual privacy review;

15 (b) To conduct an annual privacy training for state agencies and
16 employees;

17 (c) To articulate privacy principles and best practices;

18 (d) To coordinate data protection in cooperation with the agency;
19 and

20 (e) To participate with the office of the state chief information
21 officer in the review of major state agency projects involving
22 personally identifiable information.

23 (4) The office of privacy and data protection must serve as a
24 resource to local governments and the public on data privacy and
25 protection concerns by:

26 (a) Developing and promoting the dissemination of best practices
27 for the collection and storage of personally identifiable
28 information, including establishing and conducting a training program
29 or programs for local governments; and

30 (b) Educating consumers about the use of personally identifiable
31 information on mobile and digital networks and measures that can help
32 protect this information.

33 (5) By December 1, 2016, and every four years thereafter, the
34 office of privacy and data protection must prepare and submit to the
35 legislature a report evaluating its performance. The office of
36 privacy and data protection must establish performance measures in
37 its 2016 report to the legislature and, in each report thereafter,
38 demonstrate the extent to which performance results have been

1 achieved. These performance measures must include, but are not
2 limited to, the following:

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

5 (b) A report on the extent of the office of privacy and data
6 protection's coordination with international and national experts in
7 the fields of data privacy, data protection, and access equity;

8 (c) A report on the implementation of data protection measures by
9 state agencies attributable in whole or in part to the office of
10 privacy and data protection's coordination of efforts; and

11 (d) A report on consumer education efforts, including but not
12 limited to the number of consumers educated through public outreach
13 efforts, as indicated by how frequently educational documents were
14 accessed, the office of privacy and data protection's participation
15 in outreach events, and inquiries received back from consumers via
16 telephone or other media.

17 (6) Within one year of the effective date of this section, the
18 office of privacy and data protection must submit to the joint
19 legislative audit and review committee for review and comment the
20 performance measures developed under subsection (5) of this section
21 and a data collection plan.

22 (7) The office of privacy and data protection shall submit a
23 report to the legislature on the: (a) Extent to which
24 telecommunications providers in the state are deploying advanced
25 telecommunications capability; and (b) existence of any inequality in
26 access to advanced telecommunications infrastructure experienced by
27 residents of tribal lands, rural areas, and economically distressed
28 communities. The report may be submitted at a time within the
29 discretion of the office of privacy and data protection, at least
30 once every four years, and only to the extent the office of privacy
31 and data protection is able to gather and present the information
32 within existing resources.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 44.28
34 RCW to read as follows:

35 (1) The joint committee must conduct a program and fiscal review
36 of the office of privacy and data protection created in section 2 of
37 this act, by June 30, 2025, and report its findings to the
38 legislature and the governor by December 1, 2025. The report must be
39 prepared in the manner set forth in RCW 44.28.071 and 44.28.075.

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

Passed by the House February 15, 2016.

Passed by the Senate March 1, 2016.

Approved by the Governor April 1, 2016.

Filed in Office of Secretary of State April 4, 2016.

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