## HOUSE BILL 2249

**State of Washington**        **65th Legislature**    **2017 3rd Special Session**

**By** Representatives Smith and Morris

Read first time 07/20/17.   Referred to Committee on Technology & Economic Development.

1    AN ACT Relating to protecting privacy and identity by setting
2  data collection, storage, use, and disposal standards; adding a new
3  section to chapter 28A.320 RCW; adding a new section to chapter
4  28A.195 RCW; adding a new section to chapter 28B.10 RCW; adding a new
5  section to chapter 28B.85 RCW; adding a new chapter to Title 19 RCW;
6  and creating new sections.

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

8    NEW SECTION.  **Sec. 1.**  The legislature takes notice of a recent
9  theft of sensitive computer data, including reportedly over one
10  million social security numbers. According to reports, the data was
11  held by a research center affiliated with a state university, but
12  stored off-site at a self-storage locker with the most rudimentary of
13  security. Numerous individuals who were notified that their data was
14  among that stolen report deep concern about how the university came
15  to have custody of their social security number, as they have no
16  prior connection with the university. The legislature finds that this
17  incident raises fundamental policy questions about the circumstances
18  in which social security numbers are collected, shared, or sold among
19  or to institutions of higher education as defined in RCW 28B.10.016
20  and other postsecondary institutions of education, how they are
21  subsequently stored and disposed of, and about whether the value of

the research outweighs the risks to the individuals affected and the
potential liability of the state of amassing stores of this quantity
of sensitive personal information. While these policy issues are
being investigated and debated, the legislature finds that it is
necessary to implement stop-gap measures to better safeguard our
students from the undue risk of their social security number, without
their consent, dispersing into a myriad of data sets held by people
who are unaccountable to them.

NEW SECTION.  **Sec. 2.**   (1) Institutions of higher education as
defined in RCW 28B.10.016 and other postsecondary institutions of
education in Washington, whether public or private, may not share,
furnish, sell, or in any way transfer the social security number of
any student outside of the institution or school district where the
student attends or attended unless positively required by law or
court order, except where the student or the parent or guardian of a
minor student gives written consent.

(2) Institutions of higher education as defined in RCW 28B.10.016
and other postsecondary institutions of education in Washington,
whether public or private, must exercise the highest standard of care
and diligence to protect any social security numbers in their
custody, including encryption when stored or transferred. Among other
duties of safekeeping, with regard to the storage of social security
numbers in digital form on a back-up hard drive, the storage location
of that back-up hard drive must be monitored on a continuous basis.
Storage of back-up hard drives containing social security numbers at
facilities not under the direct and continuous supervision and
control of the institutions of higher education as defined in RCW
28B.10.016 and other postsecondary institutions of education is
prohibited.

(3) Institutions of higher education as defined in RCW 28B.10.016
and other postsecondary institutions of education in Washington,
whether public or private, must minimize the collection and retention
of social security numbers and effectively delete or dispose of the
record of those numbers when no longer necessary to accomplish the
lawful educational or research purpose for which they were obtained.

(4) Whenever feasible to do so, institutions of higher education
as defined in RCW 28B.10.016 and other postsecondary institutions of
education, whether public or private, should maintain any data lists
that contain social security numbers that come into their custody in

such a way as to minimize the risk of unauthorized access including, but not limited to, replacing social security numbers with other identification numbers.

(5) The requirements in this chapter are intended to be in addition to any other requirements in federal or state law.

NEW SECTION.  **Sec. 3.**  (1) A legislative task force is created for the 2017-2019 biennium to study how best to prevent the proliferation of social security numbers of Washington's citizens, particularly its youth, under any circumstance not expressly authorized by the affected individual, or, if a minor, that individual's parent or guardian. The task force should consider whether any broader category of sensitive personal information requires similar protection through state law.

(2) The task force must be convened and chaired by the state's chief privacy officer and must consist of at least four legislative members, with one legislator chosen from each of the majority caucuses of the house of representatives and senate. The task force must be staffed by the office of program research and senate committee services. The task force shall prepare a report to the legislature by December 31, 2018.

NEW SECTION.  **Sec. 4.**  A new section is added to chapter 28A.320 RCW to read as follows:
School districts must comply with the requirements of section 2 of this act.

NEW SECTION.  **Sec. 5.**  A new section is added to chapter 28A.195 RCW to read as follows:
Private schools must comply with the requirements of section 2 of this act.

NEW SECTION.  **Sec. 6.**  A new section is added to chapter 28B.10 RCW to read as follows:
Institutions of higher education must comply with the requirements of section 2 of this act.

NEW SECTION.  **Sec. 7.**  A new section is added to chapter 28B.85 RCW to read as follows:

1    All  degree-granting  institutions  must  comply  with  the
2  requirements of section 2 of this act.

3    <u>NEW SECTION.</u>  **Sec. 8.**  Section 2 of this act constitutes a new
4  chapter in Title 19 RCW.

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