

# HOUSE BILL REPORT

## HB 2366

---

**As Reported by House Committee On:**  
State Government & Tribal Relations

**Title:** An act relating to making the chief privacy officer an elected position.

**Brief Description:** Making the chief privacy officer an elected position.

**Sponsors:** Representatives Smith, Hudgins and Young.

**Brief History:**

**Committee Activity:**

State Government & Tribal Relations: 1/15/20, 1/28/20 [DPS].

**Brief Summary of Substitute Bill**

- Makes the Chief Privacy Officer (CPO) a nonpartisan statewide elected official, beginning with the 2024 election cycle, in a general election conducted the same as for other statewide officials.
- Applies campaign finance laws and rules administered by the Public Disclosure Commission for state offices to CPO elections.
- Requires the Washington Citizens' Commission on Salaries for Elected Officials to determine the salary of the CPO.

---

### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton, Dolan, Hudgins, Mosbrucker and Smith.

**Staff:** Jason Zolle (786-7124).

**Background:**

The Chief Privacy Officer.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

In April 2015 Governor Inslee created the position of Chief Privacy Officer (CPO) within the Office of the Chief Information Officer (CIO). The role of the CPO is to examine privacy practices across state agencies and to advise agencies that have privacy-related questions. The first CPO, Alex Alben, also saw his role as serving as a consumer advocate for Washington citizens with respect to their privacy rights and concerns.

In January 2016 Governor Inslee established the Office of Privacy and Data Protection (OPDP) by executive order, and the Legislature codified the OPDP in statute shortly thereafter. The OPDP was placed within the Office of the CIO, and the CPO was made the Director of the OPDP. By statute, the CIO appoints the CPO.

The OPDP's duties include conducting an annual privacy review of state agencies and training for state employees; coordinating data protection in cooperation with state agencies; and serving as a resource to local governments and the public on data protection concerns.

#### Statewide Elected Officials.

Washington citizens elect several state executive officials in a statewide general election: the Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Auditor, Attorney General, Superintendent of Public Instruction (Superintendent), Commissioner of Public Lands, and Insurance Commissioner. Each of these officials is elected to a four-year term that begins on the Wednesday after the second Monday of January following the election. The next election for these positions is in November 2020.

Each of these offices is a partisan office except for the Superintendent, which is nonpartisan. The Public Disclosure Commission (PDC) oversees campaign finance laws and rules for these elections. The salary of these officials is determined by the Washington Citizens' Commission on Salaries for Elected Officials.

---

#### **Summary of Substitute Bill:**

The CPO shall be a nonpartisan statewide elected official, with the first election being held at the November 2024 general election. Candidates must file for office during the filing period for that election, and a primary must be held at the primary for that election. The election must be conducted the same as for other state executive officials, including with candidate statements in the voters' pamphlet, except that the candidates may not express a party preference on the ballot. The position will appear on the ballot after all existing state elected officials and immediately before state legislators. The first elected CPO takes office on the Wednesday after the second Monday of January following the election, which is January 15, 2025.

Campaign finance laws and rules administered by the PDC apply to the CPO election the same as for other state offices. The salary for the CPO must be determined by the Washington Citizens' Commission on Salaries for Elected Officials.

#### **Substitute Bill Compared to Original Bill:**

The substitute bill changes the CPO position from a partisan elected office to a nonpartisan elected office.

---

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for sections 2 and 3, relating to providing that the Chief Privacy Officer is a statewide elected official, which take effect January 15, 2025.

**Staff Summary of Public Testimony:**

(In support) Washington is so grateful to have a CPO position to ensure that state agencies protect Washington citizens' privacy. However, the CPO position was recently empty for six months when the Legislature was dealing with life-changing consumer privacy bills. Having a CPO must be a priority because no one can imagine what a world dominated by "big tech" will look like in 20 years. We need a CPO accountable to the people, not constrained by the pressures and politics of the executive under which the CPO serves. Data is political, and who owns or controls data is increasingly a matter of public concern. The CPO must be an active advocate for the citizens of Washington, which is a limitation of the current appointment process.

(Opposed) This is an important office with important duties. Having an elected CPO will create governance problems for Washington Technology Solutions (WaTech). Washington Technology Solutions is resistant to anything that would remove the authority of the Governor to help WaTech execute its mission.

**Persons Testifying:** (In support) Representative Smith, prime sponsor; and Jevan Hutson, University of Washington School of Law.

(Opposed) Adam Eitmann, Washington Technology Solutions.

**Persons Signed In To Testify But Not Testifying:** None.