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**HOUSE BILL 2400**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Representatives Hudgins, Smith, Van Werven, and Wylie

Prefiled 01/10/20. Read first time 01/13/20. Referred to Committee on Innovation, Technology & Economic Development.

1 AN ACT Relating to privacy assessment surveys of state agencies;  
2 and amending RCW 43.105.369.

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

4 **Sec. 1.** RCW 43.105.369 and 2016 c 195 s 2 are each amended to  
5 read as follows:

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

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

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

15 (a) To conduct an annual privacy review, which must include a  
16 survey of state agencies regarding their collection, use, and sharing  
17 of data, and their use of security measures to secure data against  
18 unauthorized access or disclosure;

19 (b) To conduct an annual privacy training for state agencies and  
20 employees;

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

1 (d) To coordinate data protection in cooperation with the agency;  
2 and

3 (e) To participate with the office of the state chief information  
4 officer in the review of major state agency projects involving  
5 personally identifiable information.

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

9 (a) Developing and promoting the dissemination of best practices  
10 for the collection and storage of personally identifiable  
11 information, including establishing and conducting a training program  
12 or programs for local governments; and

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

16 (5) By December 1, 2016, and every four years thereafter, the  
17 office of privacy and data protection must prepare and submit to the  
18 legislature a report evaluating its performance. The office of  
19 privacy and data protection must establish performance measures in  
20 its 2016 report to the legislature and, in each report thereafter,  
21 demonstrate the extent to which performance results have been  
22 achieved. These performance measures must include, but are not  
23 limited to, the following:

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

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

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

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

38 (6) Within one year of June 9, 2016, the office of privacy and  
39 data protection must submit to the joint legislative audit and review

1 committee for review and comment the performance measures developed  
2 under subsection (5) of this section and a data collection plan.

3 (7) The office of privacy and data protection shall submit a  
4 report to the legislature on the: (a) Extent to which  
5 telecommunications providers in the state are deploying advanced  
6 telecommunications capability; and (b) existence of any inequality in  
7 access to advanced telecommunications infrastructure experienced by  
8 residents of tribal lands, rural areas, and economically distressed  
9 communities. The report may be submitted at a time within the  
10 discretion of the office of privacy and data protection, at least  
11 once every four years, and only to the extent the office of privacy  
12 and data protection is able to gather and present the information  
13 within existing resources.

14 (8) State agencies that receive a survey under subsection (3)(a)  
15 of this section are required to complete the survey within a  
16 reasonable time. Agencies may request assistance from the office of  
17 privacy and data protection in completing the assessment.

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