
Judiciary Committee

SB 5327

Title: An act relating to creating an office of privacy protection.

Brief Description: Creating an office of privacy protection.

Sponsors: Senators Fairley and Kohl-Welles.

Brief Summary of Bill

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| <ul style="list-style-type: none">Creates the office of privacy protection in the Attorney General's Office under the direction of the Attorney General and the Secretary of State. |
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Hearing Date: 3/22/05

Staff: Trudes Tango Hutcheson (786-7384).

Background:

There are various provisions in the laws regarding privacy of information. For instance, there are statutes governing health care records, prohibiting the disclosure of social security numbers, and creating the crime of identity theft. In addition, the Attorney General's (AG) consumer protection division provides information on its website suggesting ways for consumers to protect their privacy. The AG also released a report in 2002 containing suggested "best practices" for businesses wishing to develop privacy policies.

The AG's powers and duties are set forth in statute. Some of those powers and duties include representing the state in all cases in which the state is interested, consulting with and advising prosecuting attorneys in matters related to their duties, and, when the interest of the state requires, assisting in prosecution of crimes. The AG also has the power and duty to perform any other duties that are, or may from time to time, be required by him or her.

Summary of Bill:

The Office of Privacy Protection (OPP) is created in the office of the AG under the direction of the AG and the Secretary of State. The purpose of the OPP is to protect the privacy of individuals' personal information by identifying consumer problems regarding privacy and facilitating development of fair information practices.

The director of the OPP must: (a) receive complaints from individuals concerning any person improperly obtaining, compiling, maintaining, using, disclosing, or disposing of personal information; (b) educate consumers on ways of handling violations of privacy-related laws; (c)

develop information and educational programs; (d) investigate and assist in prosecution of identity theft and privacy-related crimes; and (e) assist and coordinate training for local, state, and federal law enforcement agencies. The OPP may promote voluntary nonbinding arbitration and mediation of privacy-related disputes.

Implementation is subject to the availability of funds appropriated specifically for this purpose.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on January 1, 2006.