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**SUBSTITUTE SENATE BILL 5327**

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**State of Washington**

**59th Legislature**

**2006 Regular Session**

**By** Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Fairley and Kohl-Welles)

READ FIRST TIME 02/02/06.

1       AN ACT Relating to creating an office of privacy protection; adding  
2 a new section to chapter 43.10 RCW; and providing an effective date.

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

4       NEW SECTION.   **Sec. 1.** A new section is added to chapter 43.10 RCW  
5 to read as follows:

6       (1) The office of privacy protection is created in the office of  
7 the attorney general under the direction of the attorney general and  
8 the secretary of state. The office's purpose is protecting the privacy  
9 of individuals' personal information in a manner consistent with the  
10 Washington state Constitution by identifying consumer problems in the  
11 privacy area and facilitating development of fair information  
12 practices.

13       (2) The office shall inform the public of potential options for  
14 protecting the privacy of, and avoiding the misuse of, personal  
15 information.

16       (3) The office shall make recommendations to organizations for  
17 privacy policies and practices that promote and protect the interests  
18 of Washington consumers.

1 (4) The office may promote voluntary and mutually agreed upon  
2 nonbinding arbitration and mediation of privacy-related disputes where  
3 appropriate.

4 (5) The director of the office of privacy protection shall do all  
5 of the following:

6 (a) Receive complaints from individuals concerning any person  
7 obtaining, compiling, maintaining, using, disclosing, or disposing of  
8 personal information in a manner that may be potentially unlawful or  
9 violate a stated privacy policy relating to that individual, and  
10 provide advice, information, and referral, where available;

11 (b) Provide information to consumers on effective ways of handling  
12 complaints that involve violations of privacy-related laws, including  
13 identity theft and identity fraud. If appropriate local, state, or  
14 federal agencies are available to assist consumers with those  
15 complaints, the director shall refer those complaints to those  
16 agencies;

17 (c) Develop information and educational programs and materials to  
18 foster public understanding and recognition of the purposes of this  
19 section;

20 (d) Investigate and assist in the prosecution of identity theft and  
21 other privacy-related crimes, and, as necessary, coordinate with local,  
22 state, and federal law enforcement agencies in the investigation of  
23 similar crimes; and

24 (e) Assist and coordinate in the training of local, state, and  
25 federal law enforcement agencies regarding identity theft and other  
26 privacy-related crimes, as appropriate.

27 (6) The director may adopt rules as necessary to implement  
28 subsection (5)(b) through (e) of this section.

29 (7) The implementation of this section is subject to the  
30 availability of funds appropriated specifically for this purpose.

31 NEW SECTION. **Sec. 2.** This act takes effect January 1, 2007.

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