

2SSB 6281 - H AMD TO ITED COMM AMD (H-5242.1/20) **2122**
By Representative MacEwen

WITHDRAWN 03/06/2020

1 On page 4, beginning on line 12, strike all of subsections (11)
2 through (13)

3 Renumber the remaining subsections consecutively and correct any
4 internal references accordingly.

5 On page 4, beginning on line 31, strike all of subsection (17)

6 Renumber the remaining subsections consecutively and correct any
7 internal references accordingly.

8 On page 5, beginning on line 1, strike all of subsection (21)

9 Renumber the remaining subsections consecutively and correct any
10 internal references accordingly.

11 On page 5, beginning on line 7, strike all of subsections (23)
12 and (24)

13 Renumber the remaining subsections consecutively and correct any
14 internal references accordingly.

15 On page 6, beginning on line 13, strike all of subsection (31)

16 Renumber the remaining subsections consecutively and correct any
17 internal references accordingly.

18 On page 7, beginning on line 5, strike all of subsection (35)

19 Renumber the remaining subsections consecutively and correct any
20 internal references accordingly.

21 On page 7, beginning on line 28, strike all of subsection (40)

22 On page 10, beginning on line 12, after "law;" strike all
23 material through "(m)" on line 13 and insert the following:

24 "(m) Information and documents created specifically for, and
25 collected and maintained by, the news media, as defined by RCW

1 5.68.010, for the gathering, dissemination, or reporting of news or
2 information to the public; or
3 (n) "

4 On page 21, beginning on line 16, after "(1)" strike all material
5 through "violation" on line 26 and insert "The attorney general has
6 exclusive authority to enforce this chapter by bringing an action in
7 the name of the state, or as parens patriae on behalf of persons
8 residing in the state. In such an action, a controller or processor
9 that violates this chapter is subject to an injunction and liable for
10 a civil penalty of up to seven thousand five hundred dollars for each
11 violation.

12 (2) The attorney general has the same authority to investigate
13 alleged violations of this chapter that the attorney general has to
14 investigate alleged violations of chapter 19.86 RCW including, but
15 not limited to, the authority provided by RCW 19.86.110.

16 (3) Nothing in this chapter shall be construed to diminish the
17 rights and remedies that consumers have under other law including,
18 without limitation, the common law, chapter 19.86 RCW, the Washington
19 state Constitution, and the United States Constitution. To that end,
20 consumers retain their existing rights to bring a civil action under
21 chapter 19.86 RCW for conduct relating to the processing of personal
22 data.

23 (4) Where more than one controller or processor, or both a
24 controller and a processor, involved in the same processing is in
25 violation of this chapter, the liability must be allocated among the
26 parties according to principles of comparative fault"

27 On page 22, beginning on line 1, after "(1)" strike all material
28 through "recognition" on line 10 and insert "Except as provided in
29 subsection (2) of this section, this chapter supersedes and preempts
30 laws, ordinances, regulations, or the equivalent adopted by any local
31 entity regarding the processing of personal data by controllers or
32 processors.

33 (2) Laws, ordinances, or regulations regarding the processing of
34 personal data by controllers or processors that were adopted by any
35 local entity prior to January 1, 2020, are not superseded or
36 preempted"

37 Beginning on page 23, line 9, strike all of section 17

1 Renumber the remaining sections consecutively and correct any
2 internal references accordingly.

EFFECT: (1) Removes all facial recognition provisions and related definitions.

(2) Adds an exemption for certain news media activity.

(3) Removes the specification that certain payment-only transactions do not count as "consumer" for purposes of the jurisdictional thresholds.

(4) Requires controllers' collection of personal data to be adequate, relevant, and limited to what is reasonably necessary in relation to processing purposes, rather than only as reasonably necessary to provide services requested by a consumer, to conduct an activity that a consumer has requested, or to verify consumer requests.

(5) Removes enforcement under the Consumer Protection Act.

(6) Provides that the Attorney General has exclusive enforcement authority.

(7) Provides the Attorney General with the same authority to investigate violations of this chapter that it has to investigate alleged violations under the Consumer Protection Act.

(8) Provides that nothing in this chapter is to be construed to diminish the rights and remedies that consumers have under other law and that consumers retain their existing rights to bring a civil action under the Consumer Protection Act for conduct relating to the processing of personal data.

(9) Specifies that liability among multiple controllers and processors is to be allocated based on comparative fault.

(10) Specifies that local laws, ordinances, or regulations regarding the processing of personal data by controllers or processors that were adopted prior to January 1, 2020, are not superseded or preempted.

(11) Removes facial recognition provisions and applicable definitions.

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