

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1335

Chapter 381, Laws of 2023

68th Legislature
2023 Regular Session

DOXING—UNAUTHORIZED PUBLICATION OF PERSONAL IDENTIFYING INFORMATION

EFFECTIVE DATE: July 23, 2023

Passed by the House April 17, 2023
Yeas 64 Nays 33

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 6, 2023
Yeas 40 Nays 7

DENNY HECK

President of the Senate

Approved May 9, 2023 2:13 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1335** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 10, 2023

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1335

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Hansen, Berry, Farivar, Taylor, Ramel, Simmons, Kloba, Bateman, Reed, and Lekanoff)

READ FIRST TIME 02/07/23.

1 AN ACT Relating to the unauthorized publication of personal
2 identifying information; adding a new section to chapter 4.24 RCW;
3 creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW
6 to read as follows:

7 (1) No person may publish an individual's personal identifying
8 information when:

9 (a) The publication is made without the express consent of the
10 individual whose information is published;

11 (b) The publication is made with: (i) Intent or knowledge that
12 the personal identifying information will be used to harm the
13 individual whose information is published; or (ii) reckless disregard
14 for the risk the personal identifying information will be used to
15 harm the individual whose information is published; and

16 (c) The publication causes the individual whose information is
17 published to suffer: (i) Physical injury; (ii) significant economic
18 injury; (iii) mental anguish; (iv) fear of serious bodily injury or
19 death for themselves or a close relation to themselves; or (v) a
20 substantial life disruption.

21 (2) A person does not violate this section by:

1 (a) Providing personal identifying information with the reporting
2 of criminal activity, which the person making the report reasonably
3 believes occurred, to an employee of a law enforcement agency,
4 intelligence agency, or other government agency in the United States;
5 or in connection with any existing investigative, protective, or
6 intelligence activity of any law enforcement agency, intelligence
7 agency, or other government agency in the United States. This
8 subsection (2)(a) only applies if the person providing the personal
9 identifying information reasonably believes it to be accurate and
10 provides the information in good faith and not for a malicious,
11 fraudulent, or unlawful purpose;

12 (b) Providing personal identifying information in connection with
13 an exercise of the right of freedom of speech or of the press, the
14 right to assemble or petition, or the right of association,
15 guaranteed by the United States Constitution or Washington state
16 Constitution;

17 (c) Providing personal identifying information to, or in the
18 course of acting as or on behalf of, "news media" as defined in RCW
19 5.68.010(5);

20 (d) Providing personal identifying information to a requestor in
21 response to a request under the public records act, chapter 42.56
22 RCW;

23 (e) Providing personal identifying information when required to
24 do so by any federal, state, or local law or regulation, or court
25 rule or court order. This subsection (2)(e) only applies if the
26 person providing the personal identifying information reasonably
27 believes it to be accurate and provides the information in good faith
28 and not for a malicious, fraudulent, or unlawful purpose;

29 (f) Providing personal identifying information in connection with
30 a lawful requirement for a court filing or recording, including but
31 not limited to recording judgments or filing claims of liens;

32 (g) Providing personal identifying information as permitted under
33 the federal Gramm-Leach-Bliley act and consumer financial protection
34 bureau Regulation P, 12 C.F.R. Part 1016, consistent with privacy
35 policy disclosures provided pursuant to such regulation;

36 (h) Providing personal identifying information in compliance with
37 the fair credit reporting act (84 Stat. 1127; 15 U.S.C. Sec. 1681 et
38 seq.) or fair debt collection practices act (91 Stat. 874; 15 U.S.C.
39 Sec. 1692 et seq.);

1 (i) Providing personal identifying information in a consumer
2 alert or public notice arising from a regulatory, civil, or criminal
3 investigation, complaint, or enforcement action. This subsection
4 (2)(i) only applies to publications made by government agencies;

5 (j) Providing personal identifying information within or to a
6 government agency, corporation, company, partnership, labor union, or
7 another legal entity, or to any employees or agents thereof, but only
8 if the following requirements are satisfied:

9 (i) The personal identifying information is provided for a
10 legitimate and lawful purpose, including without limitation the
11 reporting of criminal or fraudulent activity, facilitating a lawful
12 commercial transaction, or furthering an existing business
13 relationship;

14 (ii) The personal identifying information is provided through a
15 private channel of communication, and is not provided to the public;

16 (iii) The person providing the personal identifying information:

17 (A) Reasonably believes it to be accurate; or

18 (B) Has reasonable suspicion to believe it is being used
19 fraudulently; and

20 (iv) The person providing the personal identifying information
21 provides it in good faith, and not for a malicious or fraudulent
22 purpose; or

23 (k) Providing personal identifying information on behalf of a
24 state agency, the health benefit exchange, a tribal nation, a
25 contracted service provider of a state agency or the health benefit
26 exchange, or the lead organization or a data vendor of the all-payer
27 health care claims database under chapter 43.371 RCW, if the
28 information was provided in a manner legally permitted under federal
29 or state law or regulation.

30 (3) It is not a defense to a violation of this section that the
31 personal identifying information at issue was voluntarily given to
32 the publisher, has been previously publicly disclosed, or is readily
33 discoverable through research or investigation.

34 (4) Nothing in this section shall be construed in any manner to:

35 (a) Conflict with 47 U.S.C. Sec. 230;

36 (b) Conflict with 42 U.S.C. Sec. 1983; or

37 (c) Prohibit any activity protected under the Constitution of the
38 United States or the Washington state Constitution.

39 (5)(a) An individual whose personal identifying information is
40 published in violation of this section may bring a civil action

1 against: (i) The person or persons who published the personal
2 identifying information; and (ii) any person who knowingly benefits,
3 financially or by receiving anything of value, from participation in
4 a venture that the person knew or should have known has engaged in an
5 act in violation of this section.

6 (b) A prevailing claimant who brings a civil action pursuant to
7 this section is entitled to recover any or all of the following
8 remedies upon request: (i) Compensatory damages; (ii) punitive
9 damages; (iii) statutory damages of \$5,000 per violation; (iv) costs
10 and reasonable attorneys' fees; (v) injunctive relief; and (vi) any
11 other relief deemed appropriate by the court.

12 (c) When an action is brought under this section, a court may, on
13 its own motion or upon the motion of any party, issue a temporary
14 restraining order, or a temporary or permanent injunction, to
15 restrain and prevent the disclosure or continued disclosure of a
16 party's personal identifying information.

17 (d) A civil action may be brought in any county in which an
18 element of any violation of this section occurred, or in which an
19 individual resides who is the subject of the personal identifying
20 information published in violation of this section.

21 (6) The definitions in this subsection apply throughout this
22 section and section 2 of this act unless the context clearly requires
23 otherwise.

24 (a) "Close relation" means a current or former spouse or domestic
25 partner, parent, child, sibling, stepchild, stepparent, grandparent,
26 any person who regularly resides in the household or who within the
27 prior six months regularly resided in the household, or any person
28 with a significant personal or professional relationship.

29 (b) "Course of conduct" means a pattern of conduct composed of
30 two or more acts, evidencing a continuity of purpose.

31 (c) "Doxing" means unauthorized publication of personal
32 identifying information with intent or knowledge that the information
33 will be used to harm the individual whose information is published,
34 or with reckless disregard for the risk the information will be used
35 to harm the individual whose information is published.

36 (d) "Electronic communication" means the transmission of
37 information by wire, radio, optical cable, electromagnetic, or other
38 similar means. "Electronic communication" includes, but is not
39 limited to, email, internet-based communications, pager service, and
40 electronic text messaging.

1 (e) "Harassment" has the same meaning as in RCW 9A.46.020,
2 9A.90.120, and 9.61.230.

3 (f) "Harm" means bodily injury, death, harassment, or stalking.

4 (g) "Mental anguish" means emotional distress or emotional
5 suffering as evidenced by anxiety, fear, torment, or apprehension
6 that may or may not result in a physical manifestation of mental
7 anguish or a mental health diagnosis. The mental anguish must be
8 protracted and not merely trivial or transitory.

9 (h) "Personal identifying information" means any information that
10 can be used to distinguish or trace an individual's identity,
11 including without limitation name, prior legal name, alias, mother's
12 maiden name, or date or place of birth, in combination with any other
13 information that is linked or linkable to an individual such as:

14 (i) Social security number, home address, mailing address, phone
15 number, email address, social media accounts, or biometric data;

16 (ii) Medical, financial, education, consumer, or employment
17 information, data, or records;

18 (iii) Any other sensitive private information that is linked or
19 linkable to a specific identifiable individual, such as gender
20 identity, sexual orientation, or any sexually intimate visual
21 depiction; or

22 (iv) Any information, including without limitation usernames and
23 passwords, that enables access to a person's email accounts, social
24 media accounts, electronic forum accounts, chat or instant message
25 accounts, cloud storage accounts, banking or financial accounts,
26 computer networks, computers or phones, teleconferencing services,
27 video-teleconferencing services, or other digital meeting rooms.

28 (i) "Publish" means to circulate, deliver, distribute,
29 disseminate, post, transmit, or otherwise make available to another
30 person, through any oral, written, visual, or electronic
31 communication.

32 (j) "Regularly resides" means residing in the household with some
33 permanency or regular frequency in the resident's living arrangement.

34 (k) "Stalking" has the same meaning as in RCW 9A.46.110.

35 (l) "Substantial life disruption" means that a person
36 significantly modifies their actions, routines, employment,
37 residence, appearance, name, or contact information to avoid or
38 protect against an actor who has obtained or is using the person's
39 personal identifying information, or because of the course of conduct
40 of an actor who has obtained or is using the person's personal

1 identifying information. Examples include, without limitation,
2 changing a phone number, changing an electronic mail address,
3 deleting personal electronic accounts, significantly decreasing use
4 of the internet, moving from an established residence, changing daily
5 routines, changing routes to and from work, changing employment or
6 work schedule, or losing time from work or a job.

7 (7) The legislature does not intend this section to allow, and
8 this section shall not allow, actions to be brought for
9 constitutionally protected activity.

10 NEW SECTION. **Sec. 2.** This act shall be liberally construed and
11 applied to promote its underlying purpose to deter doxing, protect
12 persons from doxing, and provide adequate remedies to victims of
13 doxing.

14 NEW SECTION. **Sec. 3.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

Passed by the House April 17, 2023.
Passed by the Senate April 6, 2023.
Approved by the Governor May 9, 2023.
Filed in Office of Secretary of State May 10, 2023.

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