

6513-S

Sponsor(s): Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice, McCaslin, Kline, Gardner, Winsley, Kohl-Welles, Spanel and Costa; by request of Attorney General)

Brief Description: Protecting privacy of personal information in commercial transactions.

SB 6513-S.E2 - DIGEST

(AS OF SENATE 2ND READING 3/14/00)

Finds that every entity has an affirmative and continuing obligation to respect the privacy of its consumers and to protect the security and confidentiality of consumers.

Finds that Washington's citizens have a right to privacy and a reasonable expectation that the personal information that they provide in commercial transactions with financial institutions and others who maintain and transfer information will be kept private and confidential.

Finds that there is no existing uniform law that creates an appropriate standard of conduct for disclosure of consumers' personal information and that Washington's citizens need additional statutory protection from fraud, deception, nuisance, invasion of privacy, and breach of confidentiality related to the disclosure of personal information.

Declares an intent to ensure that entities and consumers work cooperatively to protect consumer information and enforce sanctions when violations occur.

Directs the attorney general, in consultation with representatives from individual consumers, public interest organizations, financial institutions, retailers, online services, the legislature, and other interested parties to: (1) Examine information-sharing practices among information custodians and their affiliates;

(2) develop a model privacy policy disclosure to conform with the disclosure requirements of this act; and

(3) present recommendations on affiliate sharing and model privacy policies to the legislature at the start of the regular session held in 2001.

Directs the senate committee on commerce, trade, housing and financial institutions and the house of representatives committee on financial institutions and insurance to conduct a joint review of the practices of entities that collect and sell personal and sensitive information obtained from the records maintained by government agencies and nonprofit entities.

Provides that information custodians and marketers shall, in performing a transaction with a consumer, providing a service for a consumer, or establishing a business relationship with a consumer, require only that the consumer provide information reasonably necessary to perform the transaction, establish the relationship, administer or maintain the business relationship, collect or service a debt, protect against fraud or unauthorized

transactions, or comply with applicable law. Any optional information must be specified as such, and the consumer must be given the option not to provide it.