
SENATE BILL 5327

State of Washington

59th Legislature

2005 Regular Session

By Senators Fairley and Kohl-Welles

Read first time 01/20/2005. Referred to Committee on Financial Institutions, Housing & Consumer Protection.

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, 2006.

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