

HB 1031 - DIGEST

(SUBSTITUTED FOR - SEE 1ST SUB)

Declares an intent to establish individual privacy rights in an era of innovation of new technologies. It is further the intent to establish such rights so that manufacturers and sellers of new, innovative technologies have a predictable set of known, individual rights to be aware of before offering their technology for sale or use in the state of Washington.

Provides that all consumers shall have the following fundamental rights with respect to electronic privacy: (1) The right to receive notice of an entity's information practices before any personal information is collected about them;

(2) The right to receive choices as to how any personal information collected from an individual may be used;

(3) The right to access one's personal information and to contest the accuracy of such information;

(4) The right to expect that collectors of data will implement security measures to ensure that their data is accurate and secure; and

(5) The right to seek private remedies if an entity fails to comply with any of the principles outlined in this act.

Requires that any person who sells or utilizes an electronic communication device must implement adequate security measures to ensure that information is secure from unauthorized access, loss, or tampering. These security measures should be consistent with industry standards that are commensurate with the amount and sensitivity of the information being stored on the system.

Declares that it is a violation of this act for a person to engage in any of the following activities: (1) Use an electronic communication device to remotely scan or attempt to scan an item associated with a consumer without that consumer's knowledge;

(2) Disclose, either directly or through an affiliate, a consumer's personal information associated with information gathered by, or contained within, a device capable of engaging in electronic communication; or

(3) Use, either directly or through an affiliate or nonaffiliated third party, information gathered by, or contained within, a device capable of engaging in electronic communication in order to identify a consumer.

Provides that a person who is injured under this act may bring a civil action in district or superior court to enjoin further violations, and to seek up to five hundred dollars per violation, or actual damages, whichever is greater.

Declares that a person who willfully violates any of the provisions of this act is guilty of a gross misdemeanor.

Declares that a person who willfully violates any of the provisions of this act in conjunction with the commission of another unlawful act is guilty of a class B felony.