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**SUBSTITUTE HOUSE BILL 2875**

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**State of Washington**

**64th Legislature**

**2016 Regular Session**

**By** House Technology & Economic Development (originally sponsored by Representatives Smith, Morris, and Magendanz)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to establishing the office of data privacy,  
2 protection, and access equity; adding a new section to chapter 43.105  
3 RCW; adding a new section to chapter 44.28 RCW; creating a new  
4 section; and providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the rapid  
7 expansion of digital technology and mobile networks is changing how  
8 citizens access and share personal data and communications. Data  
9 privacy, data protection, and access equity are of increasing concern  
10 for all residents of the state. State agencies and programs entrusted  
11 by citizens with sensitive personal information must serve as  
12 responsible custodians of this data. The state can also play an  
13 important role in educating local governments and consumers about  
14 measures that may help them protect this information and as an  
15 advocate for access equity. In an interconnected world, citizens who  
16 lack meaningful access to digital technology, including mobile  
17 networks and high-speed internet connections, lack the necessary  
18 tools for sharing in the state's technology, innovation, and economic  
19 development successes. For the forgoing reasons, the legislature  
20 finds that it is necessary and efficient to have a central point of

1 contact for policy matters involving data privacy, data protection,  
2 and access equity.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.105  
4 RCW to read as follows:

5 (1) The office of privacy and data protection is created within  
6 the office of the state chief information officer. The purpose of the  
7 office of privacy and data protection is to serve as a central point  
8 of contact for state agencies on policy matters involving data  
9 privacy and data protection.

10 (2) The director shall appoint the chief privacy officer, who is  
11 the director of the office of privacy and data protection.

12 (3) The primary duties of the office of privacy and data  
13 protection with respect to state agencies are:

14 (a) To conduct an annual privacy review;

15 (b) To conduct an annual privacy training for state agencies and  
16 employees;

17 (c) To articulate privacy principles and best practices;

18 (d) To coordinate data protection in cooperation with the agency;  
19 and

20 (e) To participate with the office of the state chief information  
21 officer in the review of major state agency projects involving  
22 personally identifiable information.

23 (4) The office of privacy and data protection must serve as a  
24 resource to local governments and the public on data privacy and  
25 protection concerns by:

26 (a) Developing and promoting the dissemination of best practices  
27 for the collection and storage of personally identifiable  
28 information, including establishing and conducting a training program  
29 or programs for local governments; and

30 (b) Educating consumers about the use of personally identifiable  
31 information on mobile and digital networks and measures that can help  
32 protect this information.

33 (5) By December 1, 2016, and every four years thereafter, the  
34 office of privacy and data protection must prepare and submit to the  
35 legislature a report evaluating its performance. The office of  
36 privacy and data protection must establish performance measures in  
37 its 2016 report to the legislature and, in each report thereafter,  
38 demonstrate the extent to which performance results have been

1 achieved. These performance measures must include, but are not  
2 limited to, the following:

3 (a) The number of state agencies and employees who have  
4 participated in the annual privacy training;

5 (b) A report on the extent of the office of privacy and data  
6 protection's coordination with international and national experts in  
7 the fields of data privacy, data protection, and access equity;

8 (c) A report on the implementation of data protection measures by  
9 state agencies attributable in whole or in part to the office of  
10 privacy and data protection's coordination of efforts; and

11 (d) A report on consumer education efforts, including but not  
12 limited to the number of consumers educated through public outreach  
13 efforts, as indicated by how frequently educational documents were  
14 accessed, the office of privacy and data protection's participation  
15 in outreach events, and inquiries received back from consumers via  
16 telephone or other media.

17 (6) Within one year of the effective date of this section, the  
18 office of privacy and data protection must submit to the joint  
19 legislative audit and review committee for review and comment the  
20 performance measures developed under subsection (5) of this section  
21 and a data collection plan.

22 (7) The office of privacy and data protection shall submit a  
23 report to the legislature on the: (a) Extent to which  
24 telecommunications providers in the state are deploying advanced  
25 telecommunications capability; and (b) existence of any inequality in  
26 access to advanced telecommunications infrastructure experienced by  
27 residents of tribal lands, rural areas, and economically distressed  
28 communities. The report may be submitted at a time within the  
29 discretion of the office of privacy and data protection, at least  
30 once every four years, and only to the extent the office of privacy  
31 and data protection is able to gather and present the information  
32 within existing resources.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 44.28  
34 RCW to read as follows:

35 (1) The joint committee must conduct a program and fiscal review  
36 of the office of privacy and data protection created in section 2 of  
37 this act, by June 30, 2025, and report its findings to the  
38 legislature and the governor by December 1, 2025. The report must be  
39 prepared in the manner set forth in RCW 44.28.071 and 44.28.075.

1 (2) This section expires July 1, 2026.

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