
HOUSE BILL 2278

State of Washington

65th Legislature

2018 Regular Session

By Representatives Morris, Hudgins, Smith, Slatter, Tharinger, Macri, Young, Kloba, and Appleton

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1 AN ACT Relating to enhancing personal information privacy
2 protections in government entities; amending RCW 42.56.420; adding a
3 new section to chapter 19.215 RCW; and adding a new chapter to Title
4 40 RCW.

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

6 NEW SECTION. **Sec. 1.** (1) Each department or other agency of the
7 state government must designate an agency privacy officer. In
8 coordination with the state office of privacy and data protection,
9 the agency privacy officer must:

10 (a) Develop an agency personal information minimization policy to
11 reduce the use and retention of personal information wherever
12 possible;

13 (b) Create a work plan that uses a Gantt chart or similar project
14 planning tool for the following, including the estimated costs of
15 execution:

16 (i) An inventory of all personal information prepared, owned,
17 used, or retained by the agency, that would include the specific type
18 of information, the purpose for its collection, and the extent to
19 which the information is protected from unauthorized access; and

1 (ii) A map of the physical or digital location of all personal
2 information collected by the agency, that would be indexed to the
3 inventory created in (b)(i) of this subsection; and

4 (c) Report the work plan created under (b) of this subsection to
5 the state office of privacy and data protection no later than
6 December 15, 2018.

7 (2) Agency privacy officers designated under subsection (1) of
8 this section must complete a training course provided by the state
9 office of privacy and data protection on privacy best practices. The
10 training course must be completed no later than sixty days after
11 assuming responsibilities as an agency privacy officer, and at
12 intervals of no more than four years as long as they maintain the
13 designation.

14 (3) Any inventory or data map records created under subsection
15 (1)(b) of this section that reveal the location of personal
16 information or the extent to which it is protected may not be
17 disclosed under the public records act, chapter 42.56 RCW.

18 (4) For purposes of this section, "personal information" has the
19 same meaning as in RCW 42.56.590(5).

20 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.215
21 RCW to read as follows:

22 A governmental entity is prohibited from selling:

23 (1) Personal financial and health information; and

24 (2) Personal identification numbers issued by a government
25 entity.

26 **Sec. 3.** RCW 42.56.420 and 2017 c 149 s 1 are each amended to
27 read as follows:

28 The following information relating to security is exempt from
29 disclosure under this chapter:

30 (1) Those portions of records assembled, prepared, or maintained
31 to prevent, mitigate, or respond to criminal terrorist acts, which
32 are acts that significantly disrupt the conduct of government or of
33 the general civilian population of the state or the United States and
34 that manifest an extreme indifference to human life, the public
35 disclosure of which would have a substantial likelihood of
36 threatening public safety, consisting of:

37 (a) Specific and unique vulnerability assessments or specific and
38 unique response or deployment plans, including compiled underlying

1 data collected in preparation of or essential to the assessments, or
2 to the response or deployment plans; and

3 (b) Records not subject to public disclosure under federal law
4 that are shared by federal or international agencies, and information
5 prepared from national security briefings provided to state or local
6 government officials related to domestic preparedness for acts of
7 terrorism;

8 (2) Those portions of records containing specific and unique
9 vulnerability assessments or specific and unique emergency and escape
10 response plans at a city, county, or state adult or juvenile
11 correctional facility, or secure facility for persons civilly
12 confined under chapter 71.09 RCW, the public disclosure of which
13 would have a substantial likelihood of threatening the security of a
14 city, county, or state adult or juvenile correctional facility,
15 secure facility for persons civilly confined under chapter 71.09 RCW,
16 or any individual's safety;

17 (3) Information compiled by school districts or schools in the
18 development of their comprehensive safe school plans under RCW
19 28A.320.125, to the extent that they identify specific
20 vulnerabilities of school districts and each individual school;

21 (4) Information regarding the public and private infrastructure
22 and security of computer and telecommunications networks, consisting
23 of security passwords, security access codes and programs, access
24 codes for secure software applications, security and service recovery
25 plans, security risk assessments, and security test results to the
26 extent that they identify specific system vulnerabilities, and other
27 such information the release of which may increase risk to the
28 confidentiality, integrity, or availability of security, information
29 technology infrastructure, or assets;

30 (5) The system security and emergency preparedness plan required
31 under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170,
32 and 81.112.180; (~~and~~)

33 (6) Personally identifiable information of employees, and other
34 security information, of a private cloud service provider that has
35 entered into a criminal justice information services agreement as
36 contemplated by the United States department of justice criminal
37 justice information services security policy, as authorized by 28
38 C.F.R. Part 20; and

1 (7) Personal information inventory or data map records created
2 under section 1(1)(b) of this act, that reveal the location of
3 personal information or the extent to which it is protected.

4 NEW SECTION. **Sec. 4.** Section 1 of this act constitutes a new
5 chapter in Title 40 RCW.

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