

2SSB 6281 - H AMD TO ITED COMM AMD (H-5242.1/20) 2155

By Representative Smith

NOT ADOPTED 03/06/2020

1 On page 3, line 19 of the striking amendment, after "(4)" insert
2 "Chief privacy officer" means the person appointed under RCW
3 43.105.369(2).

4 (5)"

5
6 Renumber the remaining subsections consecutively and correct any
7 internal reference accordingly.

8
9 On page 3, line 36 of the striking amendment, after "(9)" insert
10 "(a) "Data broker" means a business, or unit or units of a business,
11 separately or together, that knowingly collects and sells or licenses
12 to third parties the personal data of a consumer with whom the
13 business does not have a direct relationship.

14 (b) The following activities conducted by a business do not
15 qualify the business as a data broker:

16 (i) Furnishing a consumer report, as defined in 15 U.S.C. Sec.
17 1681a(d), by a consumer reporting agency, as defined in 15 U.S.C. Sec.
18 1681a(f);

19 (ii) Collecting or disclosing nonpublic personal information, as
20 defined in 15 U.S.C. Sec. 6809(4), by a financial institution, as
21 defined in 15 U.S.C. Sec. 6809(3), in a manner than is regulated under
22 the federal Gramm Leach Bliley act, P.L. 106-102, and implementing
23 regulations;

24 (iii) Providing 411 directory assistance or directory information
25 services, including name, address, and telephone number, on behalf of
26 or as a function of a telecommunications carrier; or

27

1 (iv) Providing publicly available information via real-time or
2 near real-time alert services for health or safety purposes.

3 (10)"

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5 Renumber the remaining subsections consecutively and correct any
6 internal references accordingly.

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8 On page 21, after line 15 of the striking amendment, insert the
9 following:

10 "NEW SECTION. Sec. 11. DATA BROKER REGISTRATION. (1) Annually,
11 on or before January 31st following a year in which a business meets
12 the definition of data broker as provided in section 3 of this act, a
13 data broker shall:

14 (a) Register with the chief privacy officer;

15 (b) Pay a registration fee of two hundred fifty dollars to the
16 chief privacy officer; and

17 (c) Provide the following information to the chief privacy
18 officer:

19 (i) The name and primary physical, email, and internet addresses
20 of the data broker;

21 (ii) If the data broker permits a consumer to opt out of the data
22 broker's collection of personal data, opt out of its databases, or opt
23 out of certain sales of data:

24 (A) The method for requesting an opt-out;

25 (B) If the opt-out applies to only certain activities or sales, a
26 statement specifying to which activities or sales the opt-out applies;

27 (C) Whether the data broker permits a consumer to authorize a
28 third party to opt out on the consumer's behalf;

29 (D) A statement specifying the data collection, databases, or
30 sales activities from which a consumer may not opt out;

31 (iii) Whether the data broker implements a purchaser credentialing
32 process;

33 (iv) Where the data broker has actual knowledge that it possesses
34 the personal data of minors, a separate statement detailing the data

1 collection practices, databases, sales activities, and opt-out
2 policies that are applicable to the personal data of minors; and

3 (v) Any additional data that the data broker chooses to provide
4 concerning its data collection practices.

5 (2) The chief privacy officer is authorized to coordinate with a
6 third party for the purpose of collecting the registration fee under
7 subsection (1)(b) of this section.

8 (3) A data broker that fails to fulfill the requirements of
9 subsection (1) of this section is subject to:

10 (a) A civil penalty of fifty dollars for each day, not to exceed a
11 total of ten thousand dollars for each year it fails to register
12 pursuant to this section;

13 (b) A fine equal to the fees due under this section during the
14 period it failed to register pursuant to this section; and

15 (c) Other penalties imposed by law.

16 (4) The attorney general may maintain an action to collect the
17 penalties imposed in this section and to seek appropriate injunctive
18 relief."

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20 Renumber the remaining sections consecutively and correct any
21 internal references accordingly.

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23 On page 26, line 4 of the striking amendment, after "through"
24 strike "18 and 20" and insert "19 and 21"

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26

EFFECT: Adds the definitions of "Chief Privacy Officer" and "data
broker." Requires data brokers to register annually with the
Chief Privacy Officer and disclose certain information regarding
their practices.

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