
**Innovation, Technology & Economic
Development Committee**

HB 1655

Brief Description: Establishing guidelines for government procurement and use of automated decision systems in order to protect consumers, improve transparency, and create more market predictability.

Sponsors: Representatives Hudgins, Shea, Morris, Kloba and Valdez.

Brief Summary of Bill

- Prohibits certain uses of automated decision systems by public agencies.
- Sets forth minimum standards and accountability requirements for permitted uses of automated decision systems.
- Expands Washington's Law Against Discrimination to prohibit discrimination by automated decision systems.
- Requires the Chief Privacy Officer to adopt rules regarding the use of automated decision systems by public agencies.

Hearing Date: 2/6/19

Staff: Yelena Baker (786-7301).

Background:

Automated decision systems are data-driven algorithmic tools that are used to analyze and support decision-making in a variety of government settings, including policing, criminal sentencing, business management and risk assessment, and administration of public programs. Government use of automated decision systems is not regulated by any specific state or federal laws.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Washington's Law against Discrimination establishes that it is a civil right to be free from discrimination based on race, national origin, sex, and other enumerated factors.

Summary of Bill:

"Automated decision system" is defined to mean any algorithm, including one incorporating machine learning or other artificial intelligence techniques, that uses data-based analytics to make or support government decision, judgments, or conclusions.

Public agencies are prohibited from using an automated decision system to make a decision impacting the constitutional or legal rights of any Washington resident, or to deploy any weapon. Washington's Law Against Discrimination is expanded to prohibit discrimination by automated decision systems against any individuals on the basis of one or more factors enumerated in the Law Against Discrimination.

For permitted uses of automated decision systems, public agencies must follow specified minimum standards, including giving clear notice that the systems are in use and ensuring that any decision made or informed by the systems is subject to appeal and potential reversal by a human decision maker.

Prior to using an automated decision system, a public agency must complete an algorithmic accountability report and provide to the Chief Privacy Officer clear statements with regard to the agency's proposed use of the system, data management policy, a description of the fiscal impact, and other specified information. The Chief Privacy Officer may approve, deny, or modify the reports based on public comments received about the reports and the degree to which the intended use of the automated decision system meets the specified minimum requirements.

A person injured by a public agency's material violations of these provisions may institute proceedings for injunctive relief, declaratory relief, or a writ of mandate to enforce these provisions.

The Chief Privacy Officer is directed to adopt rules, by January 1, 2020, regarding the development, procurement, and use of automated decision systems by public agencies.

Appropriation: None.

Fiscal Note: Requested on January 31, 2019.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.