
**Innovation, Technology & Economic
Development Committee**

HB 2399

Brief Description: Concerning connected devices with a voice recognition feature.

Sponsors: Representatives Hudgins, Smith, Van Werven, Young, Wylie and Kloba.

Brief Summary of Bill

- Sets forth requirements for operation of a connected device with a voice recognition feature or retention of any recordings or transcriptions collected through the operation of a voice recognition feature on a connected device.
- Prohibits the disclosure of any recordings or transcriptions to a third party.
- Requires manufacturers to provide users with the ability to delete permanently any recordings or transcriptions.
- Provides that violations are enforceable under the Consumer Protection Act.

Hearing Date: 1/24/20

Staff: Yelena Baker (786-7301).

Background:

Federal law generally prohibits the unauthorized, nonconsensual interception of wire, oral, or electronic communications by government agencies as well as private parties. Federal law does not prohibit the interception of private communications where one party to the communication has consented to the interception.

The Washington Privacy Act, chapter 9.73 RCW, restricts the interception or recording of private communications or conversations. As a general rule, it is illegal for any person to intercept or record any private communication transmitted between two or more individuals by a device designed to intercept, record, or transmit without the consent of all participants, except in

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emergencies and situations in which one party is harassing or threatening to make unlawful demands on another.

Summary of Bill:

Manufacturers are prohibited from operating a voice recognition feature on a connected device without prominently informing the user of the device that the device is equipped with a voice recognition feature and may be used to process and retain recordings or transcriptions of spoken words. The user notice must be provided during the initial setup or installation of the device and distinctly separate from the device terms of service.

Recordings or transcriptions collected through the operation of a voice recognition feature may not be used for any advertising purposes or disclosed to a third party.

Affirmative written consent of a user must be obtained before any recordings or transcriptions are retained at any location other than the connected device that is under the user's control. Manufacturers must provide users with the ability to permanently delete any recordings or transcriptions retained pursuant to a user's affirmative written consent.

A violation of these provisions is a violation of the Consumer Protection Act.

Appropriation: None.

Fiscal Note: Available.

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