

# SENATE BILL REPORT

## SB 5527

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As of October 14, 2020

**Title:** An act relating to establishing guidelines for government procurement and use of automated decision systems in order to protect consumers, improve transparency, and create more market predictability.

**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:** Senators Hasegawa, Nguyen, McCoy and Keiser.

**Brief History:**

**Committee Activity:**

### 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.
- Adding another bullet.

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## SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

**Staff:** Angela Kleis (786-7469)

**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.

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

**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 decisions, 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 anyone 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 (CPO) 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 CPO 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 CPO must adopt rules by January 1, 2020, for developing, procuring, and using automated decision systems by public agencies. And adding a sentence here.

**Appropriation:** None.

**Fiscal Note:** Requested on October 12, 2020.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** People said things.

**Persons Testifying:** No one.

**Persons Signed In To Testify But Not Testifying:** No one.