
HOUSE BILL 2759

State of Washington

66th Legislature

2020 Regular Session

By Representatives Hudgins, Wylie, Tarleton, Slatter, Kloba, Morgan, Valdez, Cody, Pollet, Santos, and Young

Read first time 01/21/20. Referred to Committee on Innovation, Technology & Economic Development.

1 AN ACT Relating to creating a consumer data bill of rights; and
2 adding a new chapter to Title 19 RCW.

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

4 NEW SECTION. **Sec. 1.** SHORT TITLE. This act may be known and
5 cited as the Washington consumer data bill of rights.

6 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
7 section apply throughout this chapter unless the context clearly
8 requires otherwise.

9 (1) "Consumer" means a natural person who is a Washington state
10 resident.

11 (2) "Covered entity" means any natural or legal person, public
12 authority, agency, or other body which, alone or jointly with others,
13 processes personal data.

14 (3) "Process" or "processing" means any operation or set of
15 operations which is performed on personal data or on sets of personal
16 data, whether or not by automated means, such as collection,
17 recording, organization, structuring, storage, adaptation or
18 alteration, retrieval, consultation, use, disclosure, dissemination
19 or otherwise making available, alignment or combination, restriction,
20 erasure, or destruction. "Process" or "processing" includes finding

1 personal data published or placed on the internet by third parties,
2 indexing it automatically, storing it, and making it available to
3 internet users.

4 NEW SECTION. **Sec. 3.** DATA RIGHTS. A consumer retains ownership
5 in the consumer's personal data collected or held by a covered
6 entity, regardless of how the covered entity acquired that personal
7 data, and has the following rights with regard to the consumer's
8 personal data:

9 (1) The right to be secure against the collection or processing
10 of personal data without the consumer's consent;

11 (2) The right to limit the consumer's consent to the processing
12 of personal data, including by setting a reasonable time constraint
13 on the validity of the consent;

14 (3) The right to revoke a previously given consent to the
15 processing of personal data;

16 (4) The right to have access to and knowledge of all collection
17 and uses of personal data by a covered entity, including the
18 knowledge of how personal data has been modified by the covered
19 entity or a third party;

20 (5) The right to obtain from a covered entity a copy of the
21 personal data in a commonly used electronic form;

22 (6) The right to correct inaccurate personal data;

23 (7) Where context appropriate, the right to object to or restrict
24 collection or processing of personal data, and to prohibit sharing or
25 monetization of personal data;

26 (8) (a) The right to have removed from the list of results
27 displayed following an internet search made on the basis of a
28 consumer's name links to online content that contains the consumer's
29 personal data and that is inadequate, irrelevant or no longer
30 relevant, or excessive in relation to the purposes for which the
31 consumer's personal data was processed.

32 (b) For purposes of this section, "inaccurate," "irrelevant,"
33 "inadequate," or "excessive" means content, which after a significant
34 lapse in time from its first publication, is no longer material to
35 current public debate or discourse, especially when considered in
36 light of the financial, reputational, or demonstrable other harm that
37 the content is causing to the consumer's professional, financial,
38 reputational, or other interest, with the exception of content
39 related to convicted felonies, legal matters relating to violence, or

1 a matter that is or continues to be of significant public interest
2 and to which the consumer's role is central and substantial;

3 (9) The right to be secure against unreasonable, unexpected, or
4 surreptitious data collection, surveillance, or behavior
5 manipulation;

6 (10) The right to not have personal data shared or processed in
7 unexpected or harmful ways, or in a manner that is inconsistent with
8 the consumer's consent;

9 (11) The right to be secure against sharing of personal data with
10 the government without a search warrant and due process;

11 (12) The right to be anonymous and to not have personal data used
12 to identify or reidentify an individual except pursuant to a court
13 order in the course of a criminal investigation or where exigent
14 circumstances exist;

15 (13) The right to have personal data secured and protected from
16 unauthorized access and to be notified in a timely manner when a
17 security breach or unauthorized access of personal data is
18 discovered;

19 (14) The right to know what personal data is used by algorithms
20 to make decisions about consumers, and to not be subject to an
21 algorithmic bias or a decision based solely on the use of an
22 algorithm or another probabilistic method where the decision produces
23 legal effects concerning the consumer and where there is no
24 meaningful human review;

25 (15) The right to not be discriminated against or exploited on
26 the basis of personal data or by an algorithm that uses personal
27 data;

28 (16) The right to service without the collection of data that is
29 unnecessary for providing the requested service; and

30 (17) The right to not be denied services or be discriminated
31 against for choosing to exercise one's data rights.

32 NEW SECTION. **Sec. 4.** RESTRICTIONS. The rights provided in this
33 chapter do not restrict a covered entity's ability to:

34 (1) Perform a contract to which the consumer is a party or take
35 steps at the request of the consumer prior to entering into a
36 contract;

37 (2) Comply with federal, state, or local laws, rules, or
38 regulations;

- 1 (3) Comply with a civil, criminal, or regulatory inquiry,
2 investigation, subpoena, or summons by federal, state, local, or
3 other governmental authorities;
4 (4) Establish, exercise, or defend legal claims;
5 (5) Prevent, detect, or respond to security incidents; or
6 (6) Protect against malicious, deceptive, fraudulent, or illegal
7 activity, or identify, investigate, or prosecute those responsible
8 for that illegal activity.

9 NEW SECTION. **Sec. 5.** SEVERABILITY. If any provision of this act
10 or its application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

13 NEW SECTION. **Sec. 6.** CODIFICATION. Sections 1 through 4 of this
14 act constitute a new chapter in Title 19 RCW.

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