

# SENATE BILL REPORT

## SB 5957

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As of January 26, 2024

**Title:** An act relating to requiring the office of privacy and data protection to develop guidelines for the use of artificial intelligence.

**Brief Description:** Requiring the office of privacy and data protection to develop guidelines for the use of artificial intelligence.

**Sponsors:** Senators Boehnke, Dhingra, Dozier, Hasegawa, Lias, Short and Warnick.

**Brief History:**

**Committee Activity:** Environment, Energy & Technology: 1/30/24.

**Brief Summary of Bill**

- Directs the Consolidated Technology Services agency to develop guidelines for the use of artificial intelligence.

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### SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

**Staff:** Clint McCarthy (786-7319)

**Background:** Artificial Intelligence. Artificial Intelligence (AI) is a machine's ability to perform cognitive functions associated with human minds, such as perceiving, reasoning, learning, interacting with an environment, problem solving, or exercising creativity. Machine learning is a form of AI based on algorithms that are trained on data. Algorithms can detect patterns and learn how to make predictions and recommendations by processing data and experiences, rather than by receiving explicit programming instructions. Deep learning is a type of machine learning that can process a wide range of data, requires less human intervention and can often produce more accurate results than traditional machine learning. Deep learning uses neural networks, which are based on the ways neurons interact in the human brain to intake data and process it through multiple interactions that learn increasingly complex features of the data.

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There are three types of artificial neural networks used in machine learning:

- Feed-Forward Neural Networks—information moves forward without traveling backward to be reanalyzed by the model. This allows one to train a model to predict something about datasets. A practical application of this type of neural network is used in the banking industry to identify fraudulent financial transactions;
- Convolutional Neural Networks—feed-forward neural networks that are modeled on the makeup of the human brain that processes images. A practical application of this type of neural network is a photograph app that can learn a face of a subject and find that same subject in a dataset to create a group of pictures of that subject; and
- Recurrent Neural Networks—these neural networks includes loops allowing the model to move data forward and loops it backward to run again through previous layers. An example of this type of neural network is taking a sequence of transactions from a credit card history and measuring each transaction against the cardholder's record as a whole.

Generative AI are algorithms that can be used to create new content including, audio, code, images, text, simulations and videos. Generative AI can create a wide range of writing and can respond to criticism. Entities that rely on generative AI can assume legal and reputational risk if they publish biased, offensive, or copyrighted material.

Washington Technology Solutions Office of Privacy and Data Protections. The Consolidated Technology Services (CTS) Agency, also known as Washington Technology Services (WaTech), supports state agencies as a centralized provider and procurer of information technology (IT) services. In 2016 the Legislature established the Office of Privacy and Data Protection within CTS. The purpose of the Office of Privacy and Data Protection is to serve as a central point of contact for state agencies on policy matters involving data privacy and data protection, and to serve as a forum for ensuring equitable consumer access to communications and data technology. The Chief Information Officer must appoint the director, who is the Chief Privacy Officer. The primary duties of the Office of Privacy and Data Protection includes:

- conducting an annual privacy review;
- conducting an annual privacy training for state agencies and employees; and
- articulating privacy principles and best practices.

**Summary of Bill:** The term "artificial intelligence" is defined in the CTS statute as a branch of computer science devoted to developing data processing systems that perform functions normally associated with human intelligence, such as reasoning, learning, and self improvement, or the capability of a device to perform functions that are normally associated with human intelligence such as reasoning, learning, and self improvement.

The primary duties within the Office of Privacy and Data Protection at WaTech are expanded to include the development of guidelines for the use of artificial intelligence. The guidelines must ensure the ethical, transparent, accountable, and responsible

implementation of the technology and protect personally identifiable information.

**Appropriation:** None.

**Fiscal Note:** Requested on January 26, 2024.

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

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