
ENGROSSED SUBSTITUTE HOUSE BILL 1335

State of Washington

68th Legislature

2023 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Hansen, Berry, Farivar, Taylor, Ramel, Simmons, Kloba, Bateman, Reed, and Lekanoff)

READ FIRST TIME 02/07/23.

1 AN ACT Relating to the unauthorized publication of personal
2 identifying information; adding a new section to chapter 4.24 RCW;
3 creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW
6 to read as follows:

7 (1) No person may publish an individual's personal identifying
8 information when:

9 (a) The publication is made without the express consent of the
10 individual whose information is published;

11 (b) The publication is made with: (i) Intent or knowledge that
12 the personal identifying information will be used to harm the
13 individual whose information is published; or (ii) reckless disregard
14 for the risk the personal identifying information will be used to
15 harm the individual whose information is published; and

16 (c) The publication causes the individual whose information is
17 published to suffer: (i) Physical harm; (ii) significant economic
18 injury; (iii) mental anguish; (iv) fear of serious bodily injury or
19 death for themselves or a close relation to themselves; or (v) a
20 substantial life disruption.

21 (2) A person does not violate this section by:

1 (a) Providing another person's personal identifying information
2 with the reporting of criminal activity, which the person making the
3 report reasonably believes occurred, to an employee of a law
4 enforcement agency, intelligence agency, or other government agency
5 in the United States; or in connection with any existing
6 investigative, protective, or intelligence activity of any law
7 enforcement agency, intelligence agency, or other government agency
8 in the United States. This subsection (2)(a) only applies if the
9 person providing the personal identifying information reasonably
10 believes it to be accurate and provides the information in good faith
11 and not for a malicious, fraudulent, or unlawful purpose;

12 (b) Providing personal identifying information in connection with
13 an exercise of the right of freedom of speech or of the press, the
14 right to assemble or petition, or the right of association,
15 guaranteed by the United States Constitution or Washington state
16 Constitution;

17 (c) Providing personal identifying information to, or in the
18 course of acting as or on behalf of, "news media" as defined in RCW
19 5.68.010(5);

20 (d) Providing personal identifying information to a requestor in
21 response to a lawful request under the public records act, chapter
22 42.56 RCW, if the disclosure conforms to the requirements of chapter
23 42.56 RCW;

24 (e) Providing personal identifying information when required to
25 do so by any federal, state, or local law or regulation, or court
26 rule or court order. This subsection (2)(e) only applies if the
27 person providing the personal identifying information reasonably
28 believes it to be accurate and provides the information in good faith
29 and not for a malicious, fraudulent, or unlawful purpose;

30 (f) Providing personal identifying information in connection with
31 a lawful requirement for a court filing or recording, including but
32 not limited to recording judgments or filing claims of liens;

33 (g) Providing personal identifying information as permitted under
34 the federal Gramm-Leach-Bliley act and consumer financial protection
35 bureau Regulation P, 12 C.F.R. Part 1016, consistent with privacy
36 policy disclosures provided pursuant to such regulation; or

37 (h) Providing personal identifying information in compliance with
38 the fair credit reporting act (84 Stat. 1127; 15 U.S.C. Sec. 1681 et
39 seq.) or fair debt collection practices act (91 Stat. 874; 15 U.S.C.
40 Sec. 1692 et seq.).

1 (3) It is not a defense to a violation of this section that the
2 personal identifying information at issue was voluntarily given to
3 the publisher, has been previously publicly disclosed, or is readily
4 discoverable through research or investigation.

5 (4) Nothing in this section shall be construed in any manner to:

6 (a) Conflict with 47 U.S.C. Sec. 230;

7 (b) Conflict with 42 U.S.C. Sec. 1983; or

8 (c) Prohibit any activity protected under the Constitution of the
9 United States or the Washington state Constitution.

10 (5) (a) An individual whose personal identifying information is
11 published in violation of this section may bring a civil action
12 against: (i) The person or persons who published the personal
13 identifying information; and (ii) any person who knowingly benefits,
14 financially or by receiving anything of value, from participation in
15 a venture that the person knew or should have known has engaged in an
16 act in violation of this section.

17 (b) A prevailing claimant who brings a civil action pursuant to
18 this section is entitled to recover any or all of the following
19 remedies upon request: (i) Compensatory damages; (ii) punitive
20 damages; (iii) statutory damages of \$5,000 per violation; (iv) costs
21 and reasonable attorneys' fees; (v) injunctive relief; and (vi) any
22 other relief deemed appropriate by the court.

23 (c) When an action is brought under this section, a court may, on
24 its own motion or upon the motion of any party, issue a temporary
25 restraining order, or a temporary or permanent injunction, to
26 restrain and prevent the disclosure or continued disclosure of a
27 party's personal identifying information.

28 (d) A civil action may be brought in any county in which an
29 element of any violation of this section occurred, or in which an
30 individual resides who is the subject of the personal identifying
31 information published in violation of this section.

32 (6) The definitions in this section apply throughout this section
33 and section 2 of this act unless the context clearly requires
34 otherwise.

35 (a) "Close relation" means a current or former spouse or domestic
36 partner, parent, child, sibling, stepchild, stepparent, grandparent,
37 any person who regularly resides in the household or who within the
38 prior six months regularly resided in the household, or any person
39 with a significant personal or professional relationship.

1 (b) "Course of conduct" means a pattern of conduct composed of
2 two or more acts, evidencing a continuity of purpose.

3 (c) "Doxing" means unauthorized publication of personal
4 identifying information with intent or knowledge that the information
5 will be used to harm the individual whose information is published,
6 or with reckless disregard for the risk the information will be used
7 to harm the individual whose information is published.

8 (d) "Electronic communication" means the transmission of
9 information by wire, radio, optical cable, electromagnetic, or other
10 similar means. "Electronic communication" includes, but is not
11 limited to, email, internet-based communications, pager service, and
12 electronic text messaging.

13 (e) "Harassment" has the same meaning as in RCW 9A.46.020,
14 9A.90.120, and 9.61.230.

15 (f) "Harm" means bodily injury, death, harassment, or stalking.

16 (g) "Mental anguish" means emotional distress or emotional
17 suffering as evidenced by anxiety, fear, torment, or apprehension
18 that may or may not result in a physical manifestation of mental
19 anguish or a mental health diagnosis. The mental anguish must be
20 protracted and not merely trivial or transitory.

21 (h) "Personal identifying information" means any information that
22 can be used to distinguish or trace an individual's identity,
23 including without limitation name, prior legal name, alias, mother's
24 maiden name, or date or place of birth, in combination with any other
25 information that is linked or linkable to an individual such as:

26 (i) Social security number, home address, mailing address, phone
27 number, email address, social media accounts, or biometric data;

28 (ii) Medical, financial, education, consumer, or employment
29 information, data, or records;

30 (iii) Any other sensitive private information that is linked or
31 linkable to a specific identifiable individual, such as gender
32 identity, sexual orientation, or any sexually intimate visual
33 depiction; or

34 (iv) Any information, including without limitation usernames and
35 passwords, that enables access to a person's email accounts, social
36 media accounts, electronic forum accounts, chat or instant message
37 accounts, cloud storage accounts, banking or financial accounts,
38 computer networks, computers or phones, teleconferencing services,
39 video-teleconferencing services, or other digital meeting rooms.

1 (i) "Publish" means to circulate, deliver, distribute,
2 disseminate, post, transmit, or otherwise make available to another
3 person, through any oral, written, visual, or electronic
4 communication.

5 (j) "Regularly resides" means residing in the household with some
6 permanency or regular frequency in the resident's living arrangement.

7 (k) "Stalking" has the same meaning as in RCW 9A.46.110.

8 (l) "Substantial life disruption" means that a person
9 significantly modifies their actions, routines, employment,
10 residence, appearance, name, or contact information to avoid or
11 protect against an actor who has obtained or is using the person's
12 personal identifying information, or because of the course of conduct
13 of an actor who has obtained or is using the person's personal
14 identifying information. Examples include, without limitation,
15 changing a phone number, changing an electronic mail address,
16 deleting personal electronic accounts, significantly decreasing use
17 of the internet, moving from an established residence, changing daily
18 routines, changing routes to and from work, changing employment or
19 work schedule, or losing time from work or a job.

20 (7) The legislature does not intend this section to allow, and
21 this section shall not allow, actions to be brought for
22 constitutionally protected activity.

23 NEW SECTION. **Sec. 2.** This act shall be liberally construed and
24 applied to promote its underlying purpose to deter doxing, protect
25 persons from doxing, and provide adequate remedies to victims of
26 doxing.

27 NEW SECTION. **Sec. 3.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

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