
SENATE BILL 5321

State of Washington

68th Legislature

2023 Regular Session

By Senators Valdez, Kuderer, Nguyen, and C. Wilson

Read first time 01/12/23. Referred to Committee on Law & Justice.

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; and

12 (b) Providing personal identifying information in connection with
13 a lawful and constitutionally protected form of speech, assembly, or
14 petition.

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

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

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

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

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

24 (5)(a) An individual whose personal identifying information is
25 published in violation of this section may bring a civil action
26 against: (i) The person or persons who published the personal
27 identifying information; and (ii) any person who knowingly benefits,
28 financially or by receiving anything of value, from participation in
29 a venture that the person knew or should have known has engaged in an
30 act in violation of this section.

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

37 (c) When an action is brought under this section, a court may, on
38 its own motion or upon the motion of any party, issue a temporary
39 restraining order, or a temporary or permanent injunction, to

1 restrain and prevent the disclosure or continued disclosure of a
2 party's personal identifying information.

3 (d) A civil action may be brought in any county in which an
4 element of any violation of this section occurred, or in which an
5 individual resides who is the subject of the personal identifying
6 published in violation of this section.

7 (6) The definitions in this section apply throughout this section
8 and section 2 of this act unless the context clearly requires
9 otherwise.

10 (a) "Close relation" means a current or former spouse or domestic
11 partner, parent, child, sibling, stepchild, stepparent, grandparent,
12 any person who regularly resides in the household or who within the
13 prior six months regularly resided in the household, or any person
14 with a significant personal or professional relationship.

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

17 (c) "Doxing" means unauthorized publication of personal
18 identifying information with intent or knowledge that the information
19 will be used to harm the individual whose information is published,
20 or with reckless disregard for the risk the information will be used
21 to harm the individual whose information is published.

22 (d) "Electronic communication" means the transmission of
23 information by wire, radio, optical cable, electromagnetic, or other
24 similar means. "Electronic communication" includes, but is not
25 limited to, email, internet-based communications, pager service, and
26 electronic text messaging.

27 (e) "Harassment" has the same meaning as in RCW 9A.46.020,
28 9A.90.120, and 9.61.230.

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

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

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

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

3 (ii) Medical, financial, education, consumer, or employment
4 information, data, or records;

5 (iii) Any other sensitive private information that is linked or
6 linkable to a specific identifiable individual, such as gender
7 identity, sexual orientation, or any sexually intimate visual
8 depiction; or

9 (iv) Any information, including without limitation usernames and
10 passwords, that enables access to a person's email accounts, social
11 media accounts, electronic forum accounts, chat or instant message
12 accounts, cloud storage accounts, banking or financial accounts,
13 computer networks, computers or phones, teleconferencing services,
14 video-teleconferencing services, or other digital meeting rooms.

15 (i) "Publish" means to circulate, deliver, distribute,
16 disseminate, post, transmit, or otherwise make available to another
17 person, through any oral, written, visual, or electronic
18 communication.

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

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

22 (l) "Substantial life disruption" means that a person
23 significantly modifies their actions, routines, employment,
24 residence, appearance, name, or contact information to avoid or
25 protect against an actor who has obtained or is using the person's
26 personal identifying information, or because of the course of conduct
27 of an actor who has obtained or is using the person's personal
28 identifying information. Examples include, without limitation,
29 changing a phone number, changing an electronic mail address,
30 deleting personal electronic accounts, significantly decreasing use
31 of the internet, moving from an established residence, changing daily
32 routines, changing routes to and from work, changing employment or
33 work schedule, or losing time from work or a job.

34 (7) The legislature does not intend this section to allow, and
35 this section shall not allow, actions to be brought for
36 constitutionally protected activity.

37 NEW SECTION. **Sec. 2.** This act shall be liberally construed and
38 applied to promote its underlying purpose to deter doxing, protect

1 persons from doxing, and provide adequate remedies to victims of
2 doxing.

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

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