



# 2019 AG REQUEST LEGISLATION

## DATA BREACH NOTIFICATION/PRIVACY

### What needs to change?

Under Washington state law, if a malicious hacker obtains the combination of your email address and password, the entity that allowed the breach does not need to notify you. The same is true for breaches exposing the following information:

- Your tax ID number
- Your DNA profile
- Your passport number
- Your health insurance policy number

Furthermore, Washington state law allows too much time before a government agency or business that has discovered a breach must notify affected Washingtonians.

### Why is this change necessary?

Strong consumer protections and robust privacy protections are part of Washington’s values. Data breaches and identity theft continue to be a significant threat to Washington residents, businesses and agencies. These changes are necessary to strengthen protections for Washingtonians in the face of growing threats.

KEY  
STAT

# 3.4 MILLION

Data breaches affected 3.4 million Washingtonians in fiscal year 2018. That does not include those who experienced the exposure of only their passport, tax identification, health insurance policy number, or the other forms of personal information listed above.

### Around the US:

Colorado and Florida require notice of a data breach within 30 days of discovery. Many states require notice to consumers following the exposure of certain types of private or personal information not covered under Washington state’s data breach notification statute. See back for chart.

### What is the solution? SB-5064 / HB-1071

This legislation:

- Expands the definition of “personally identifiable information” in Washington state’s data breach notification statute to cover the information mentioned above
- Reduces the deadline to notify consumers to 30 days (from 45 days) after the discovery of a breach
- Requires notice to the Attorney General within 30 days of the discovery of a data breach

### Key Support:

- Washington Education Association
- AARP Washington
- Allied Daily Newspapers of Washington
- WashPIRG
- Washington State Association for Justice

### Prime Sponsors:

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## DATA BREACH NOTIFICATION/PRIVACY

Data Element	States That Include the Data Element in Their Definition of Personally Identifiable Information
Date of birth	North Dakota
Digital signature	North Carolina, North Dakota
DNA profile	Delaware, Wisconsin
Health insurance policy number, or any unique identifier or subscriber identification number used by a health insurer to identify individual consumers	Alabama, Arizona, Colorado, Florida, Maryland, Missouri, Nevada, Oregon, Virginia
Medical/Health Information, such as medical history, treatments or diagnoses, and mental or physical condition	Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Illinois, Maryland, Missouri, Montana, New Hampshire, North Dakota, Oregon, Rhode Island, South Dakota, Texas, Virginia, Wyoming
Military identification number	Alabama, Colorado, Florida
Passport identification number	Alabama, Arizona, Colorado, Delaware, Florida, Louisiana, Maryland, Oregon
Student identification number	Colorado, New Hampshire
Taxpayer identification number	Alabama, Arizona, Delaware, Maryland, Montana, Virginia
Unique biometric data used to authenticate an individual when accessing an account, including fingerprints, voice prints, iris or retina patterns, facial characteristics, and hand geometry	Arizona, Colorado, Delaware, Iowa, Illinois, Louisiana, Maryland, Nebraska, New Mexico, North Carolina, Oregon, South Dakota, Wisconsin
Username or e-mail address in combination with a password or security question and answer	Alabama, Arizona, California, Colorado, Delaware, Florida, Illinois, Maryland, Nebraska, Nevada, South Dakota