Multiple Agency Fiscal Note Summary

Bill Number: 2364 HB	**Title:** Creating the charter of personal data rights.

Estimated Cash Receipts

NONE

Estimated Operating Expenditures

Agency Name	2019-21			2021-23			2023-25		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Administrative Office of the Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Office of Attorney General	.9	317,000	317,000	1.8	634,000	634,000	1.8	634,000	634,000
Total $	**0.9**	**317,000**	**317,000**	**1.8**	**634,000**	**634,000**	**1.8**	**634,000**	**634,000**

Local Gov. Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Loc School dist-SPI									
Local Gov. Other									
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2019-21			2021-23			2023-25		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Total $	**0.0**	**0**	**0**	**0.0**	**0**	**0**	**0.0**	**0**	**0**

Estimated Capital Budget Breakout

Prepared by: Gwen Stamey, OFM	**Phone:** (360) 902-9810	**Date Published:** Final 1/17/2020

FNPID: 58430

FNS029 Multi Agency rollup

Judicial Impact Fiscal Note

Bill Number: 2364 HB	Title: Creating the charter of personal data rights.	Agency: 055-Administrative Office of the Courts

Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

Non-zero but indeterminate cost and/or savings. Please see discussion.

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

☐ If fiscal impact is greater than $50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.

☒ If fiscal impact is less than $50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐ Capital budget impact, complete Part IV.

Legislative Contact	Yelena Baker	Phone: 360-786-7301	Date: 01/10/2020
Agency Preparation:	Sam Knutson	Phone: 360-704-5528	Date: 01/13/2020
Agency Approval:	Sam Knutson	Phone: 360-704-5528	Date: 01/13/2020
OFM Review:	Bill Hesketh	Phone: (360) 902-7437	Date: 01/13/2020

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

Please see attached Judicial Impact Note (JIN).

II. B - Cash Receipts Impact

II. C - Expenditures

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. B - Expenditure By Object or Purpose (County)

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. C - Expenditure By Object or Purpose (City)

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

Part II: Narrative Explanation

This bill would enact the Washington State Charter of Personal Data Rights.

This bill would provide individual's rights in regards to personal data that a business collects or processes about that individual, including the categories and specific pieces of personal data the business collects or processes. The bill would provide the rights to access and obtain the individual's personal data collected or processed by a business, the right to opt out or object to the selling or licensing of the individual's personal data to third parties, the right to correct inaccurate personal data, and the right to delete all personal data of the individual collected or processed by a business.

The bill would provide for the responsibilities of businesses in regards to individual's personal data.

The bill would provide that any violation of the Charter would constitute an injury and any individual whose rights had been violated or personal data collected or processed in violation of the Charter may bring a civil action for declaratory relief, injunctive relief, and actual damages.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

Section 4(5) – Would provide that a court shall award costs and reasonable attorney's fees to a plaintiff who prevails in an action under this charter.

II.B - Cash Receipt Impact

None.

II.C – Expenditures

Indeterminate, but expected to be minimal. There is no data available to estimate the number of civil actions that would result from this bill.

Judicial education would be required. This would be managed within existing resources.

Individual State Agency Fiscal Note

Revised

Bill Number: 2364 HB	Title: Creating the charter of personal data rights.	Agency: 100-Office of Attorney General

Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years	0.0	1.8	0.9	1.8	1.8
Account					
General Fund-State 001-1	0	317,000	317,000	634,000	634,000
Total $	0	317,000	317,000	634,000	634,000

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

☒ If fiscal impact is greater than $50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.

☐ If fiscal impact is less than $50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐ Capital budget impact, complete Part IV.

☐ Requires new rule making, complete Part V.

Legislative Contact:	Yelena Baker	Phone: 360-786-7301	Date: 01/10/2020
Agency Preparation:	Michael Shinn	Phone: 360-759-2122	Date: 01/14/2020
Agency Approval:	Edd Giger	Phone: 360-586-2104	Date: 01/14/2020
OFM Review:	Gwen Stamey	Phone: (360) 902-9810	Date: 01/17/2020

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

All sections are new sections, creating a new chapter in Title 19 RCW.

Section 1 is a findings section.

Section 2 specifies privacy rights regarding personal data for individuals residing in Washington. Those rights include knowing what data a business collects, the right to opt out of selling or licensing that data to third parties, and the right to delete all data collected or possessed by a business.

Section 3 specifies duties of businesses regarding personal data. Those duties include minimizing collection of data, acting diligently and in good faith to requests under section 2, and efforts to protect personal data collected by the business.

Section 4 prohibits waiver of the chapter as void and against public policy. Both the Office of the Attorney General (AGO) and individual consumers are provided with authority to take actions enforcing the chapter. Minimal statutory civil damages for violations are set at $10,000 per violation. Costs and attorney fees are allowed for successful plaintiffs.

Section 5 exempts data collected by businesses from job applicants, employees, and contractors.

Section 6 is a definitions section. This act is made applicable to businesses that engage in commerce in Washington State, have a substantial nexus with Washington State, and have over $10 million in worldwide gross revenues in the preceding calendar year.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

AGO Consumer Protection activities are funded with General Fund-State dollars. No cash receipt impact. There is no client agency to bill for legal services.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Assumptions for the AGO Consumer Protection (CPR) division's Legal Services:

1. This bill is assumed effective 90 days after the end of the 2020 legislative session.

2. AGO CPR activities are funded with General Fund-State dollars. CPR enforces the Consumer Protection Act with respect to conduct that is made unlawful under RCW 19.86.020, which broadly prohibits unfair or deceptive acts or practices in trade or commerce. CPR focus is on representations and failures to disclose terms and conditions.

3. CPR assumes no legal challenges to this statute.

4. Up to two investigations per year are assumed. Investigations will not result in litigation due to high penalties per violation that will not be subject to negotiation if the matter is decided by a court.

5. Increased volume of consumer complaints will be handled within existing resources.

6. Assumes high volume of private lawsuits due to high minimum statutory damages.

7. CPR Assistant Attorney General (AAG) legal services include, but are not limited to: Investigation of potential violations; draw conclusions from investigation; draft Civil Investigative Demands (CID)/discovery requests, engage in settlement negotiations, and filing lawsuit.

8. CPR Paralegal (PL) legal services include, but are not limited to: Management of voluminous documents, draft CID/discovery requests and manage responses; assist with legal pleadings and research.

9. Litigation and investigation costs assumed include:

A. $15,000 per FY for Deposition cost and travel costs.
B. $50,000 per FY for Document management costs (e-discovery).

10. Total workload impact beginning in FY 2020: 0.67 AAG, 0.34 Legal Assistant (LA), and 0.67 PL at a cost of $317,000 per FY (this includes Litigation and investigation costs of $65,000).

Note: Agency administration support FTEs are included in the tables below, using a Management Analyst 5 as a representative classification.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2020	FY 2021	2019-21	2021-23	2023-25
001-1	General Fund	State	0	317,000	317,000	634,000	634,000
		Total $	0	317,000	317,000	634,000	634,000

III. B - Expenditures by Object Or Purpose

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years		1.8	0.9	1.8	1.8
A-Salaries and Wages		161,000	161,000	322,000	322,000
B-Employee Benefits		56,000	56,000	112,000	112,000
C-Professional Service Contracts					
E-Goods and Other Services		81,000	81,000	162,000	162,000
G-Travel		17,000	17,000	34,000	34,000
J-Capital Outlays		2,000	2,000	4,000	4,000
Total $	0	317,000	317,000	634,000	634,000

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2020	FY 2021	2019-21	2021-23	2023-25
Assistant Attorney General-Seattle	110,256		0.7	0.3	0.7	0.7
Legal Assistant 3 (Seattle)	64,944		0.3	0.2	0.3	0.3
Management Analyst 5	88,644		0.2	0.1	0.2	0.2
Paralegal 2-Seattle	70,608		0.7	0.3	0.7	0.7
Total FTEs			1.8	0.9	1.8	1.8

III. D - Expenditures By Program (optional)

Program	FY 2020	FY 2021	2019-21	2021-23	2023-25
Consumer Protection Division (CPR)		317,000	317,000	634,000	634,000
Total $		317,000	317,000	634,000	634,000

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

None.

Part V: New Rule Making Required