

Multiple Agency Fiscal Note Summary

Bill Number: 5062 S SB	Title: Data
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Estimated Cash Receipts

Agency Name	2021-23			2023-25			2025-27		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Consolidated Technology Services	0	0	129,296	0	0	0	0	0	0
Total \$	0	0	129,296	0	0	0	0	0	0

Agency Name	2021-23		2023-25		2025-27	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	No fiscal impact					
Loc School dist-SPI						
Local Gov. Other						
Local Gov. Total						

Estimated Operating Expenditures

Agency Name	2021-23				2023-25				2025-27			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Attorney General	3.6	0	0	1,241,000	3.6	0	0	1,096,000	3.6	0	0	1,096,000
Consolidated Technology Services	.0	0	0	129,296	.0	0	0	0	.0	0	0	0
Department of Health	.3	73,000	73,000	73,000	.0	0	0	0	.0	0	0	0
Total \$	3.9	73,000	73,000	1,443,296	3.6	0	0	1,096,000	3.6	0	0	1,096,000

Agency Name	2021-23			2023-25			2025-27		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other									
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2021-23			2023-25			2025-27		
	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
Consolidated Technology Services	.0	0	0	.0	0	0	.0	0	0
Department of Health	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2021-23			2023-25			2025-27		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other									
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Tyler Lentz, OFM	Phone: (360) 790-0055	Date Published: Final 2/ 4/2021
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Judicial Impact Fiscal Note

Bill Number: 5062 S SB	Title: Data	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

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: Sarian Scott	Phone: 360-786-7729	Date: 01/24/2021
Agency Preparation: Sam Knutson	Phone: 360-704-5528	Date: 01/26/2021
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 01/26/2021
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/28/2021

163,311.00

Request # 5062 SSB-1

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)

NONE

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

NONE

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

NONE

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B1 - Expenditures by Object Or Purpose (State)

NONE

IV. B2 - Expenditures by Object Or Purpose (County)

NONE

IV. B3 - Expenditures by Object Or Purpose (City)

NONE

IV. C - Capital Budget Breakout

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

NONE

163,311.00

Form FN (Rev 1/00)

Part II: Narrative Explanation

This bill would amend RCW 42.56 relating to management, oversight, and use of data.

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

Section 307(2)(a) – Would provide that an individual injured by a violation of RCW 42.56 could file a civil action to recover damages.

II.B - Cash Receipt Impact

None.

II.C – Expenditures

None.

Individual State Agency Fiscal Note

Bill Number: 5062 S SB	Title: Data	Agency: 100-Office of Attorney General
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	3.6	3.7	3.6	3.6	3.6
Account					
Consumer Privacy Account-State NEW-1	548,000	693,000	1,241,000	1,096,000	1,096,000
Total \$	548,000	693,000	1,241,000	1,096,000	1,096,000

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: Sarian Scott	Phone: 360-786-7729	Date: 01/24/2021
Agency Preparation: Stacia Hollar	Phone: (360) 664-0865	Date: 02/03/2021
Agency Approval: Dianna Wilks	Phone: 360-709-6463	Date: 02/03/2021
OFM Review: Tyler Lentz	Phone: (360) 790-0055	Date: 02/04/2021

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.

Personal Data Privacy Regulations - Private Sector

Section 101 includes definitions.

Section 102 provides that the Act applies to specified legal entities. It excludes state and local governments and tribes.

Section 103-108 address consumer rights and business responsibilities.

Section 109 requires the businesses to conduct and document risk assessments covering the processing of personal data. The Attorney General's Office (AGO) may request disclosure of, and evaluate, such assessments if relevant to an investigation.

Section 110 addresses business liability.

Section 111 provides the act does not create a private right of action.

Section 112 grants the AGO the exclusive authority to enforce and provides injunctive relief and a civil penalty of not more than \$7,500 per violation.

Section 113 creates an appropriated Consumer Privacy Account for deposit of all civil penalties and specifies uses.

Section 114 provides this chapter supersedes and preempts laws adopted by local entities regarding this subject.

Section 115 is a severance clause.

Section 116 requires the Office of Privacy and Data Protection to conduct a study regarding targeted advertising and related consumer concerns. A report of its findings is due to the Governor and Legislature by October 31, 2021.

Section 117 adds a new section to RCW 42.56 RCW providing that data protection assessments provided to the AGO are exempt from public disclosure.

Data Privacy Regarding Public Health Emergency - Private Sector

Section 201 contains definitions.

Section 202-207 address consumer rights and business responsibilities.

Section 208 addresses limitation and applicability and excludes specified types of health care information.

Section 209 provides the act does not create a private right of action.

Section 210 grants the AGO the exclusive authority to enforce and provides injunctive relief and a civil penalty of not more than \$7,500 per violation. The penalty must be placed in the Consumer Privacy Account. The state may also recover costs and attorney's fees.

Section 211 provides this chapter supersedes and preempts laws adopted by local entities regarding this subject.

Section 212 is a severance clause.

Data Privacy Regarding Public Health Emergency - Public Sector

Section 301 contains definitions that apply to local and state government agencies and higher education institutions that act solely, or jointly regarding technology-assisted contact tracing.

Section 302 addresses prohibited acts by covered entities.

Section 303 sets forth the responsibility of certain positions within the organization.

Section 307 addresses controller responsibilities.

Section 308 provides that this chapter expires June 30, 2024.

Miscellaneous

Sections 401 addresses codification.

Section 402 provides that Sections 1, 2 and 101-117 take effect July 31, 2022.

Sections 403 provides that Sections 101-114 do not apply to higher education institutions or non-profits until July 31, 2026.

Section 404 provides that sections other than addressed in Section 402 take effect immediately.

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.

Attorney General's Office (AGO) Consumer Protection activities are assumed funded with the new Consumer Privacy Account. This account is created in Section 113. 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.

Attorney General's Office (AGO) Agency Assumptions:

1. This bill is assumed effective 90 days after the end of the 2021 legislative session unless otherwise stated.

2. Total workload impact in this request includes standard assumption costs for good & services, travel, and capital outlays for all FTE identified.
3. Agency administration support FTE are included in the tables below, using a Management Analyst 5 as a representative classification.
4. The AGO Agriculture & Health Division (AHD) has reviewed this bill and determined it will not significantly increase the division's workload in representing the Department of Health (DOH). Part 3 of the bill will require some legal advice on implementation of its requirements, but this work can be absorbed within existing funding levels. New legal services are assumed nominal and costs are not included in this request.
5. The AGO Education Division (EDU) has reviewed this bill and determined it will not increase or decrease the division's workload in representing the state agency client agencies. State agencies are exempt from Sections 1 and 2 of the Act. Section 3 applies to public sector technology assisted contact tracing information. Any legal advice concerning the application of these limited requirements will be folded into the regular course of our advice work. New legal services are assumed to be nominal and costs are not included in this request.
6. The Solicitor General's Office has reviewed this bill and determined it will not increase or decrease the division's workload. New legal services are nominal and costs are not included in this request.
7. The AGO Transportation & Public Construction Division (TPC) has reviewed this bill and determined it will not significantly increase the division's workload in representing Washington Technology (WaTech). This bill requires the Office of Privacy and Data Protection to collaborate with the AGO to prepare a report on the development of technology "indicating a consumer's affirmative, freely given, and unambiguous choice to opt out of the processing of personal data." §116. This work is unlikely to require more than de minimus legal advice from TPC. New legal services are assumed to be nominal and costs are not included in this request. This conclusion is based upon the following assumptions:
 1. The Privacy Office will be the primary drafter of the required report in Section 116.
 2. TPC will be the primary adviser on the report, rather than the Clemency Pardon Board.
 3. TPC estimates that the legal services will likely take 40-80 hours of attorney time.
 4. WaTech will not be involved in controlling or processing technology-assisted contact tracing information subject to regulation and consumer action under Part 3 of the bill.
8. The AGO Washington State University Division (WSU) has reviewed this bill and determined it will not significantly increase the division's workload in representing Washington State University. New legal services are assumed nominal and costs are not included in this request.
9. The AGO University of Washington Division (UOW) has reviewed this bill and determined it will not significantly increase the division's workload in representing the University of Washington. New legal services are assumed nominal and costs are not included in this request.

Assumptions for the AGO Consumer Protection Division's (CPD) Legal Services:

1. The bill states that civil penalties will be deposited into the new Consumer Privacy Account. Until funds are available in this account General Fund State will be needed to fund these new activities. This account is created

in Section 113. 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.

2. All FTE are assumed staffed in King County.
3. CPD assumes there will be no legal challenges to the statute.
4. CPD assumes three full investigations per FY related to the enactment of this law. Investigations will not result in litigation.
5. Assumed increase in the volume of consumer complaints will be handled within existing resources.
6. CPD assumes that no private right of action will result in higher expectations and demands for the division.
7. Companies will be very resistant to investigations, and investigations will be time-consuming.
8. At least 36 communications with companies per FY are assumed to inquire of practices without investigations.
9. New legal services include, but are not limited to:

A. Assistant Attorney General (AAG): Investigate potential violations; draw conclusions from investigation; draft Civil Investigative Demands (CID) and discovery requests, engage in settlement negotiations, file lawsuit. Coordinate with Office of Privacy on privacy report due December 1, 2022; contract and engage with privacy expert regarding the privacy report.

B. Paralegal (PL): Review comptroller reports denying consumer appeals; manage voluminous documents, draft CID and discovery requests and manage responses; assist with legal pleadings and research.

C. Investigator (INV): Interview witnesses; review comptroller reports; review investigative records.

10. Additional legal cost assumptions.

A. Deposition and Travel costs in FY 2022 and in each FY thereafter: \$15,000 per FY.

B. Document management costs (e-discovery) in FY 2022 and in each FY thereafter: \$50,000 per FY.

C. Privacy Expert Advice in FY 2023: \$120,000. CPD assumes requiring 200 hours at a rate of \$600 per hour.

11. Total workload impact:

FY 2022: 1.17 AAG, 0.59 Legal Assistant (LA), 0.33 INV and 1.17 PL at a cost of \$548,000 (this includes legal costs of \$65,000).

FY 2023: 1.27 AAG, 0.64 LA, 0.33 INV and 1.17 PL at a cost of \$693,000 (this includes legal costs of \$185,000).

FY 2024 and in each FY thereafter: 1.17 AAG, 0.59 LA, 0.33 INV and 1.17 PL at a cost of \$548,000 (this includes legal costs of \$65,000).

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
NEW-1	Consumer Privacy Account	State	548,000	693,000	1,241,000	1,096,000	1,096,000
Total \$			548,000	693,000	1,241,000	1,096,000	1,096,000

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27	
FTE Staff Years	3.6	3.7	3.6	3.6	3.6	
A-Salaries and Wages	315,000	332,000	647,000	630,000	630,000	
B-Employee Benefits	100,000	105,000	205,000	200,000	200,000	
C-Professional Service Contracts		120,000	120,000			
E-Goods and Other Services	109,000	113,000	222,000	220,000	220,000	
G-Travel	19,000	19,000	38,000	38,000	38,000	
J-Capital Outlays	5,000	4,000	9,000	8,000	8,000	
Total \$		548,000	693,000	1,241,000	1,096,000	1,096,000

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 2022	FY 2023	2021-23	2023-25	2025-27
Assistant Attorney General-Seattle	114,030	1.2	1.3	1.2	1.2	1.2
Legal Assistant 3-Seattle	66,876	0.6	0.6	0.6	0.6	0.6
Management Analyst 5	88,644	0.3	0.3	0.3	0.3	0.3
Paralegal 2-Seattle	72,732	1.2	1.2	1.2	1.2	1.2
Senior Investigator-Seattle	95,436	0.3	0.3	0.3	0.3	0.3
Total FTEs		3.6	3.7	3.6	3.6	3.6

III. D - Expenditures By Program (optional)

Program	FY 2022	FY 2023	2021-23	2023-25	2025-27
Consumer Protection Division (CPR)	548,000	693,000	1,241,000	1,096,000	1,096,000
Total \$		548,000	693,000	1,241,000	1,096,000

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

IV. D - Capital FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part IVB*

NONE

Part V: New Rule Making Required

Individual State Agency Fiscal Note

Bill Number: 5062 S SB	Title: Data	Agency: 163-Consolidated Technology Services
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2022	FY 2023	2021-23	2023-25	2025-27
Consolidated Technology Services	129,296		129,296		
Revolving Account-State 458-1					
Total \$	129,296		129,296		

Estimated Operating Expenditures from:

Account	FY 2022	FY 2023	2021-23	2023-25	2025-27
Consolidated Technology Services	129,296	0	129,296	0	0
Revolving Account-State 458-1					
Total \$	129,296	0	129,296	0	0

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: Sarian Scott	Phone: 360-786-7729	Date: 01/24/2021
Agency Preparation: Wendy Armstrong	Phone: 360-407-8977	Date: 01/28/2021
Agency Approval: Tim Gallivan	Phone: (360) 407-8215	Date: 01/28/2021
OFM Review: Tyler Lentz	Phone: (360) 790-0055	Date: 02/02/2021

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.

This bill creates the Washington Privacy Act. This is a private industry/consumer directed bill that creates consumer rights regarding data handling practices of private businesses.

Modifications in SSB 5062 from SB 5062 in Section 2 (9) increases monitoring requirements of the Office of Privacy and Data Protection (OPDP*) to include emerging marketplace of consumer protections. This modification does not result in additional costs to Consolidated Technology Services (WaTech); costs as estimated in SB 5062 as follows:

Part 1 establishes personal data privacy regulations for the private Sector. This chapter applies to legal entities that control or process data of more than 100,000 consumers and/or derive 25 percent of gross revenue from the sale of personal information. This section of the Act does not apply to local and state governments, personal data sets regulated by certain federal laws, and other exceptions outlined in the bill.

Part 1 Section 116 directs the OPDP, in collaboration with the attorney general's office to research and analyze existing technology which would allow for a consumer to affirmatively opt out of the processing of their personal data for the purposes of targeted advertising, sale of personal data, profiling in the furtherance of decisions that produce legal effects concerning consumers, or similarly significant legal effects. The report is due to the appropriate legislative committees and the governor by December 1, 2022.

Part 2 establishes rules controlling and processing of data related to a public health emergency for the Private Sector. There is no fiscal impact to WaTech for this section of the bill.

Part 3 establishes rules controlling and processing of data related to a public health emergency for the Public Sector. OPDP assumes that WaTech is not a processor of information as described in this section, therefore there is no fiscal impact to WaTech for this section of the bill.

Part 4 defines when each section takes effect.

*OPDP is a division of the Office of the Chief Information Officer (OCIO) in Consolidated Technology Services (WaTech).

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.

Part 1 Section 113 establishes the Consumer Privacy Account and authorizes the Attorney General's Office (AGO) to deposit all receipts from the assessment of civil penalties into the Consumer Privacy Account. The funds within this account may only be used after legislative appropriation for the AGO's recovery of costs and attorney's fees and by the OPDP. The amount of revenue that may be collected per Section 113 is unknown. It is assumed that WaTech will not administer this new account.

Part 1 Section 116 will require an increase in revenue. The Office of the Privacy and Data Protection is part of the Office of the Chief Information Officer (OCIO) and funded by an appropriation from the Consolidated

Technology Services Revolving Account (458-1.) Revenues for the OCIO are collected from state agencies who receive allocations through the Office of Financial Management (OFM) central services model. It is assumed that the allocations in the central services model will be adjusted by the Legislature to ensure WaTech revenues are sufficient to support the required expenditures.

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.

Modifications in SSB 5062 Section 2 (9) do not result in a change in costs from SB 5062. Costs as described in SB 5062 as follows:

Part 1 Section 116 directs the OPDP in collaboration with the attorney general’s office to research and analyze existing technology available for consumers to affirmatively opt out of the processing of personal data. The report is due to the appropriate legislative committees and the governor by December 1, 2022.

WaTech does not have enough data to make reliable assumptions regarding the level of participation needed to meet the provisions of Section 116 of this bill. The agency will use appropriated funds to hire subject matter experts to accomplish this work or to support current staff implementing this legislation within the required timeline. Appropriated funds may also be used to hire agency temporary staff to support permanent staff assigned to this legislative effort. However, based on how the bill is written, WaTech assumes:

- The OPDP will hire a subject matter expert (ITPS Business Analyst) to conduct a research of available technologies as described in the bill. The research will include a current market analysis of the development of technology which would include consultation with frontend web developers and mobile developers with knowledge of multiple browsers and devices. It is anticipated the research and report will take about 6 months to complete and would cost approximately \$109,296 (528 hours X \$207 hourly rate).
- WaTech also assumes the AGO’s collaboration efforts will cost \$20,000.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
458-1	Consolidated Technology Services Revolving Account	State	129,296	0	129,296	0	0
Total \$			129,296	0	129,296	0	0

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts	109,296		109,296		
E-Goods and Other Services	20,000		20,000		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	129,296	0	129,296	0	0

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*

NONE

III. D - Expenditures By Program (optional)

NONE

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

IV. D - Capital FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part IVB*

NONE

Part V: New Rule Making Required

Individual State Agency Fiscal Note

Bill Number: 5062 S SB	Title: Data	Agency: 303-Department of Health
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.5	0.0	0.3	0.0	0.0
Account					
General Fund-State 001-1	73,000	0	73,000	0	0
Total \$	73,000	0	73,000	0	0

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: Sarian Scott	Phone: 360-786-7729	Date: 01/24/2021
Agency Preparation: Heidi Kuykendall	Phone: 360-236-4537	Date: 01/28/2021
Agency Approval: Carl Yanagida	Phone: 360-789-4832	Date: 01/28/2021
OFM Review: Danielle Cruver	Phone: (360) 522-3022	Date: 01/28/2021

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.

The substitute version of this bill has the same fiscal impact as described the department's fiscal note on the original version.

This bill adopts the Washington Privacy Act which will shape responsible public policies where innovation and protection of individual privacy coexist. This act will provide a modern privacy regulatory framework with data privacy guardrails to protect individual privacy, instill public confidence on the processing of their personal and public health data during any global pandemic, and require companies to be responsible custodians of data as technological innovations emerge.

Part 3 adds a new chapter to in Title 43 RCW (which governs executive state agencies) prohibiting technology-assisted contract tracing from being processed unless several measures are met.

Sec 302 adds that is unlawful for a controller or processor to share any technology-assisted contact tracing information without a contract or data-sharing agreement.

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.

None

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.

Sec 302. It is assumed that the Department of Health (the department) will need to execute Data Share Agreements (DSA) with each state and US territory (and eventually other countries) to share de-identified data with states and US territories so that residents crossing state lines can participate in anonymous exposure notifications.

To execute a Data Sharing Agreement with all 50 US states it will require 0.50 FTE for a Health Services Consultant 3 for 12 months to initiate and implement each DSA. This position would also be the liaison between the department and the Attorneys General (ATG) office to implement the contracts and any negotiations that may be needed with each state.

It is anticipated that each data share agreement with other states could result in one-hour ATG time to review and/or make updates to the DSA. ATG costs are assumed at \$123/hour for one hour for each state, totaling 50 hours of AG time. AGO indicates any bill that will not produce more than 90 hours of new work in a fiscal year as not having a fiscal impact. Work below that level is absorbed within the existing legal services budget.

TOTAL One-time FY2022 implementation costs equal \$73,000.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
001-1	General Fund	State	73,000	0	73,000	0	0
Total \$			73,000	0	73,000	0	0

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.5		0.3		
A-Salaries and Wages	45,000		45,000		
B-Employee Benefits	18,000		18,000		
E-Goods and Other Services	3,000		3,000		
J-Capital Outlays	2,000		2,000		
T-Intra-Agency Reimbursements	5,000		5,000		
9-					
Total \$	73,000	0	73,000	0	0

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 2022	FY 2023	2021-23	2023-25	2025-27
Board Member FTE @ 250 per day						
Board Member FTE @ 50 per day						
HEALTH SERVICES CONSULTANT 3	72,756	0.5		0.3		
Total FTEs		0.5		0.3		0.0

III. D - Expenditures By Program (optional)

NONE

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

IV. D - Capital FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part IVB*

NONE

None

Part V: New Rule Making Required