

Multiple Agency Fiscal Note Summary

Bill Number: 1335 S HB	Title: Personal identifying info.
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Estimated Cash Receipts

NONE

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	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
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Total \$	0.0	0	0	0	0.0	0	0	0	0.0	0	0	0

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.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

NONE

Prepared by: Gaius Horton, OFM	Phone: (360) 819-3112	Date Published: Revised 2/20/2023
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Judicial Impact Fiscal Note

Bill Number: 1335 S HB	Title: Personal identifying info.	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 for 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.

Contact	Phone:	Date: 02/14/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 02/15/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/15/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/16/2023

183,701.00

Form FN (Rev 1/00)

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Request # 190-1

Bill # 1335 S HB

Part II: Narrative Explanation

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

This bill would allow a civil action to be brought by someone whose personal identifying information is published in violation of the new section. Prevailing claimants are entitled to any or all remedies upon request: compensatory damages, punitive damages, statutory damages of \$5,000 per violation, costs and reasonable attorneys' fees, injunctive relief, and any other relief deemed appropriate by the court. The court may on its own motion or upon motion of any party issue a temporary restraining order or injunction or permanent injunction to restrain and prevent the disclosure or continued disclosure of a party's personal identifying information. The action can be filed where the person resides or in any county which an element of the violation occurred.

II. B - Cash Receipts Impact

II. C - Expenditures

There would be no fiscal impact to the Administrative Office of the Courts. Any impact to the courts would be indeterminate and would only occur depending on whether victims file suit.

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

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

183,701.00

Form FN (Rev 1/00)

Individual State Agency Fiscal Note

Bill Number: 1335 S HB	Title: Personal identifying info.	Agency: 225-Washington State Patrol
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

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

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:	Phone:	Date: 02/14/2023
Agency Preparation: Shawn Eckhart	Phone: 360-596-4083	Date: 02/17/2023
Agency Approval: Shawn Eckhart	Phone: 360-596-4083	Date: 02/17/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 02/17/2023

Part II: Narrative Explanation

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

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

This legislation could have an indeterminate fiscal impact to the Washington State Patrol (WSP).

Subsection 1(1) prohibits someone from publishing an individual's personal identifying information (PII) without their consent if the publication is intended to cause, or recklessly disregards the risk of, harm that could come from the publication, if that publication does cause harm.

Subsection 1(2) provides exceptions to violation of section 1 by providing another person's PII when reporting criminal activity to an employee of a law enforcement agency, intelligence agency, or other government agency of the United States, or related to existing investigations of those agencies; when exercising lawful and constitutionally protected forms of speech, assembly, or petition; when provided in response to a lawful request under the public records act (RCW 42.56); when required to do so by any federal, state or local law or regulation, or court rule or court order; when a lawful requirement for a court filing or recording; or when permitted under the federal Gramm-Leach-Bliley act and consumer financial protection bureau Regulation P, 12 CFR Part 1016. These exceptions would not apply if the published PII information is knowingly false.

Subsection 1(3) does not allow as a defense the fact that the PII was voluntarily given to the publisher, that it had been published previously, or that it is readily discoverable through research or investigation.

Subsection 1(4) states that this section is not intended to conflict with 47 U.S.C. Section 230, 42 U.S.C. Section 1983, or protected activity under the Constitutions of the United States or of Washington state.

Subsection 1(5) allows a person whose PII is published in violation of this section to bring a civil action against the person(s) who published the PII and any person who knowingly benefits from participation in a venture that the person knew or should have known has engaged in an act in violation of this section. A prevailing claimant is entitled to recover compensatory damages, punitive damages, statutory damages of \$5,000 per violation, costs and reasonable attorneys' fees, injunctive relief, and any other relief deemed appropriate by the court.

Subsection 1(6) includes several definitions, including "publish", which means to "circulate, deliver, distribute, disseminate, post, transmit, or otherwise make available to another person, through any oral, written, visual or electronic communication" and PII, which means "any information that can be used to distinguish or trace an individual's identity, including name, prior legal name, alias, mother's maiden name, or date or place of birth, in combination with any other information that is linked or linkable to an individual" with several examples listed ranging from social security numbers, email addresses, medical/financial/education/consumer/employment records, etc.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

There are no cash receipts to the Washington State Patrol from this legislation.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

There could be a fiscal impacts from this proposed legislation - proactive and reactive.

There are several areas within the agency where we might utilize PII. The exceptions for use of PII within the legislation could legitimize much of our utilization, but we would need to evaluate our uses to determine whether any current practices within the agency puts us at risk of being in breach of the legislation. We have potential PII with employment and payroll data, union membership/dues processes, payment processing, criminal history records, fingerprint data, collision records, DNA profiles of forensic scientists, discretionary alerts or bulletins within the law enforcement community, internal affairs/discipline, etc. This review effort is indeterminate at this time.

The number of instances where we might receive lawsuits pursuant to the new cause of action created in this bill is indeterminate. Nonetheless, if we estimate we will receive two lawsuits per year, our litigation manager would work about 80 hours total for discovery when the cases are filed. This is an estimated \$7,800. There would be further indeterminate costs for additional time spent by other employees to respond to questions or to seek required documentation. Once in court, we estimate the cost in salary and benefits for our litigation manager (about 110 hours) and our Risk Manager Division commander (about 129 hours) at about \$25,900 per case, or \$51,800 for two cases. We receive our legal counsel from the AG, and that is at an hourly cost that could be about \$250,000 per case through trial, or about \$500,000 per year if we responded to two a year. If a claimant were to prevail in a case, we could be subject to damages ranging from \$100,000 to \$1,000,000 in each. This would likely come from agency operating dollars rather than statewide Self-Insurance Liability program (SILA). For our example of two cases a year, we are looking at an annual cost of between \$559,600 if we prevail in both, and \$2,559,600 or more if we lose the cases with larger damages.

We base our estimate for agency indirect costs on the approved federal indirect cost rate of 31.88 percent. We apply this indirect cost rate percentage to all categories of expenditure with only two exceptions: capital equipment and expenditures after \$25,000 of each projected contract. Indirect costs include, but are not limited to, computer and telecommunications support, payroll processing, vendor payments, general accounting, procurement administration, inventory control, and human resource management.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

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

III. B - Expenditures by Object Or Purpose

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

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals 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

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

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

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.