

People's Privacy Act

HB 1433 – Frequently Asked Questions

Question: What privacy rights does this Act give me?

This Act creates the right to:

- Refuse consent to any collection, use, or sharing of your personal information beyond that necessary for a transaction you have requested.
- Know what personal information companies collect, use, and share about you.
- Not be secretly surveilled through your devices.
- Easily access and review a company's record of your personal information free-of-charge.
- Withdraw previously given consent (withdrawing consent must be as easy as granting consent).
- Correct inaccurate personal information held by a company.
- Require a company to delete all personal information about you that is not needed for transaction auditing purposes or otherwise required by law to be kept.
- Have the personal information collected about you be safeguarded in a manner similar to information collected by banks, lawyers, and medical providers.

Question: How does the Act stop companies from collecting, using, and selling my information without my consent?

Under the Act, companies are prohibited from collecting, using, or selling your information without first asking for and receiving your **freely given, informed, and unambiguous opt-in consent** to do so. Companies may use your personal information only to complete a specific transaction you have affirmatively requested (e.g., using your shipping address to send you a book you purchased online). However, they may not use any information about the sale (e.g., to target you with advertising about similar books) unless they have specifically asked and received permission to do so. Companies must provide you with a short and easy-to-understand privacy policy in advance that explains what information they are asking permission to collect, for what purpose they seek to use it, how long they intend to retain it, and with whom they wish to share your information.

Question: Can shopping websites use my data when I purchase a product?

Companies may use your personal information only to complete a specific transaction you have affirmatively requested (e.g., using your shipping address to send you a book you purchased online). However, they may not use any information about the sale, for example, to target you with advertising about similar books, unless they have specifically asked and received permission to do so.

Question: Can I still get discounts at the grocery store?

Companies can create "frequent shopper" programs that give customers discounts for being a loyal customer, but they cannot use information about shopping habits for any other reason or sell or give it to another company without affirmative, opt-in consent.

Question: If I do not give consent for a company to use my information, can the company refuse to serve me or discriminate against me?

No, under the Act, you have the right to refuse consent for any collection, use, or sale of your personal information beyond the particular transaction you have specifically requested (e.g., purchasing a book). Companies may not increase the price or diminish the quality of a product or service if you refuse consent.

Question: How can I hold companies and other entities that violate my privacy rights accountable? Can I sue companies who violate my privacy rights?

Under this Act, individuals have a private right of action, meaning that individuals can sue companies that violate their privacy rights. Additionally, the Attorney General, city attorneys, and county prosecutors are empowered to bring enforcement lawsuits. In such lawsuits, a court may award fines and other appropriate relief.

Question: Are there special protections for biometric information?

Yes, neither companies nor government agencies in Washington may collect, use, or share your biometric information, such as height, weight, DNA information, and other biological identifiers, without getting your affirmative opt-in consent. They may not monetize or profit from your biometric information *unless* it is to provide you with actions or products that you have specifically requested, provided that that biometric information is not used for any other purpose. For example, after obtaining your opt-in consent to analyze your biometric information and sell you a fitness report, a fitness tracking company may charge you for that report but may not use that report for other things like targeted advertising or sell your data to any other entity or for any other purpose.

Question: Can my face be surveilled in stores, restaurants, hotels, theaters, and in public places and then used for facial recognition purposes?

Using face recognition technology or equipment incorporating artificial intelligence-enabled profiling for images gathered in any place of public accommodation (e.g., restaurants, hotels, theaters, pharmacies, parks, schools, and stores) is prohibited under the Act.

Question: What are some of the specific data practices prohibited by this Act?

This Act prohibits covered entities *and* Washington governmental agencies from:

- Using your information to discriminate on the basis of: age, race, creed, color, national origin, sexual orientation, gender identity or expression, sex, disability, predisposing genetic characteristics, or domestic violence victim status.
- Using or installing face recognition technology or equipment incorporating artificial intelligence-enabled profiling for images gathered in any place of public accommodation (e.g., restaurants, hotels, theaters, pharmacies, parks, schools, and stores).
- Using artificial intelligence-enabled profiling to make decisions that have legal effects or similarly significant repercussions on individuals (*e.g.*, denying financial or lending services, housing, insurance, educational enrollment, criminal justice, employment opportunities, health care services, and access to basic necessities, such as food and water).
- Monetizing or profiting from human biometric information, except to specifically provide an individual with actions or products that have been specifically requested by the individual, provided that the biometric information shall not be shared or used for any other purpose.

Question: Are kids protected under this Act?

Yes! All individuals aged 13 and older are deemed competent to exercise all rights granted to individuals under this Act. Protections for individuals under the age of 13 are governed by the federal Children’s Online Privacy Protection Rule.