

Privacy Measures Compared

People's Privacy Act (HB 1433) vs Washington Privacy Act (SB 5062)

Subjects	People's Privacy Act	2021 Washington Privacy Act
Covered Entities	<p>Nongovernmental people or legal entities that:</p> <ul style="list-style-type: none"> • collect personal information; • produce, solicit, or offer for use or sale any information, product or service in a manner that intentionally targets, or may reasonably be expected to contact natural persons located in the state, whether or not for profit; • and either: <ul style="list-style-type: none"> ○ Earn at least \$10,000,000 annually through at least 300 transactions; OR ○ Process and/or maintain at least 1,000 individuals' personal information. <p>Provisions regarding biometric information and protections against data discrimination also apply to Washington governmental entities.</p>	<p>Nongovernmental legal entities that conduct business in the state, or produce products or services that are targeted to Washington residents, and either:</p> <ul style="list-style-type: none"> • Earn at least 25% of their gross revenue from selling personal data, and either processes or controls at least 25,000 consumers' personal data; or • Control or process at least 100,000 consumers' personal data during one calendar year. <p>Among other loopholes, this proposed legislation does not cover:</p> <ul style="list-style-type: none"> • Nonprofit corporations until 2026; • Any governmental agencies; • Any institutions of higher learning, regardless of whether or not they are for-profit institutions until 2026; or • Personal data that is covered by some federal laws, despite the fact that those laws do not prohibit states from providing stronger protections.
Enforcement Lawsuits	<p>Allows consumers, the attorney general, and county prosecutors and city attorneys who represent jurisdictions with populations in excess of 200,000 to sue violators of the proposed legislation.</p>	<p>Allows only the attorney general to sue violators of the proposed legislation.</p>
Punishments for Violations	<p>The maximum fine depends on several factors and who brings the lawsuit.</p> <p>For every successful enforcement suit, the violator must pay reasonable attorney's fees and costs, and a court may award the larger of \$10,000 per</p>	<p>The maximum fine is \$7,500 for each violation.</p>

	<p>violation or actual damages, as well as punitive damages and other appropriate relief.</p> <p>In addition to these amounts, in lawsuits brought by the attorney general, county prosecutors, and city attorneys, a court may award the larger of \$25,000 per violation or 4% of the violator’s annual revenue, as well as injunctions, restitution, and other appropriate relief.</p>	
Who controls data?	<ul style="list-style-type: none"> Assures that consumers have the last word about what happens to their data. Without informed consent, businesses may not process any personal information except as necessary to execute the specific transaction requested by the consumer. 	<ul style="list-style-type: none"> Gives companies ways to overrule consumers who try to stop the use of their data. Does not clearly define the only purposes for which a business can use a consumer’s data, with a laundry list of exemptions allowing businesses many opportunities to override consumer wishes.
Restrictions on Local Government	<p>There are no restrictions on local government’s ability to create stronger regulations.</p> <p><i>Creates a floor, not a ceiling for the protections that Washingtonians are entitled to.</i></p>	<p>Prevents counties and cities from enacting their own stronger data privacy protections, stripping local governments of the ability to determine what is right for their communities.</p>