

March 16, 2021

The Honorable Speaker of the House Laurie Jinkins  
The Honorable Minority Leader J.T. Wilcox  
Washington State House of Representatives  
416 Snyder Ave SW  
Olympia, WA 98504

RE: 2SSB 5062 – Data Privacy

Dear Speaker Jinkins, Minority Leader Wilcox, Members of the House of Representatives:

The undersigned organizations write to urge you to oppose 2SSB 5062 (Sen. Carlyle), an industry-backed privacy bill that does not meaningfully empower people to control if and how their personal information is collected, used, and shared.

For three years in a row, industry interests have been pushing for the adoption of this bill—one that, by intentional design, does not give people the power to truly understand and enforce their privacy rights. Strong privacy protections are necessary to protect our civil rights and liberties, but unfortunately, **2SSB 5062 provides only a façade of privacy protections.**

We have heard supporters of 2SSB 5062 state that “perfect is the enemy of the good,” but unfortunately, 2SSB 5062 is nowhere near good. Its major shortcomings are why individuals and organizations defending civil rights and liberties, racial justice, workers’ rights, privacy, and consumer rights have opposed and continue to strongly oppose this bill.

2SSB 5062’s opt-out framework places enormous burden on people to understand what is happening and navigate their rights. Even if they successfully do so, the bill’s broad exemptions and hidden loopholes make the attempt to protect their data futile. The bill also prohibits a private right of action, taking away people’s ability to hold companies accountable if they violate people’s rights.

We ask that the House to pursue a path towards the strong framework provided by HB 1433 (Rep. Kloba), a community-driven bill that provides clear and strong privacy rights, requires permission for use of people’s information, and empowers people to enforce their rights.

**We encourage the House to at a minimum:**

- (1) Change 2SSB 5062's opt-out framework to an "opt-in" framework where companies must get permission to collect, use, or share people's data.
- (2) Strengthen enforcement by including a private right of action, which would allow people to enforce their privacy rights.
- (3) Remove the preemption provision, and set a floor, not a ceiling for local governments to pass stronger privacy laws where applicable.
- (4) Close the numerous loopholes present in the language and definitions that enable tech vendors and data brokers to evade regulation.

**If these minimum changes cannot be made, we urge you to oppose 2SSB 5062.** We reiterate that 2SSB 5062 is a weak bill that protects the ability of companies and data brokers to collect and use people's information in largely unaccountable and nontransparent ways.

As our world becomes increasingly dependent on technology, we—and especially already marginalized communities—are all more vulnerable to data abuse. We need legislation that will meaningfully protect our ability to control our data, and 2SSB 5062 does not do that.

**We urge you to vote no on 2SSB 5062 if the four basic changes above are not made.**

Signed,

ACLU of Washington  
Asian Counseling and Referral Service  
Asian Pacific Islander Coalition of  
Washington  
Black Lives Matter Seattle-King County  
CAIR Washington  
Coalition of Seattle Indian Americans  
Consumer Federation of America  
Densho  
EthTech  
Faith Action Network  
Future Ada  
Indivisible Skagit  
Indivisible Plus Washington  
InterIm CDA

John T. Williams Organizing Committee  
La Resistencia  
Larner Archiving and Preservation  
MAPS-AMEN (American Muslim  
Empowerment Network)  
Olympia Indivisible Steering  
Committee  
OneAmerica  
Puget Sound Sage  
Real Change  
Seattle JACL  
Snohomish County Indivisible  
Wallingford Indivisible  
Washington Association of Criminal  
Defense Lawyers

Washington Defender Association