

Washington

Wash. Rev. Code § 19.255.005-.040 *et seq.*

Quick Links

[Statute](#)

[AG Website](#)

Quick Facts

Is “Personal Information” broader than the general definition? ¹	✓ Yes
Does the law apply to paper records?	✗ No
Is notification triggered by access only?	✗ No
Is a risk-of-harm analysis permitted?	✓ Yes
Is notice to a state agency or AG required?	✓ Yes, if more than 500 residents receive notice and must be within 30 days following discovery or notification of the breach
Is there a specific deadline for individual notices?	✓ Yes, within 30 days following discovery or notification of the breach
Is there a specific format or language that must be included in the individual notice?	✓ Yes
Is a private right of action permitted?	✓ Yes

“Breach” Definition

The unauthorized acquisition of data that compromises the security, confidentiality, or integrity of personal information maintained by the person or business.

“Personal Information” Definition

1. An individual's first name or first initial and last name in combination with any one or more of the following:
 - a. Social security number
 - b. Driver's license number or Washington identification card number

¹ The general definition of “Personal Information” is an individual's name in combination with any one or more of the following: (1) Social Security number; (2) driver's license number or state identification card number; or (3) a financial account number or credit or debit card number in combination with any required security code, access code, or password that is necessary to permit access to an individual's financial account.

- c. Account number or credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account, or any other numbers or information that can be used to access a person's financial account
- d. Full date of birth
- e. Private key that is unique to an individual and that is used to authenticate or sign an electronic record
- f. Student, military, or passport identification number
- g. Health insurance policy number or health insurance identification number
- h. Any information about a consumer's medical history or mental or physical condition or about a health care professional's medical diagnosis or treatment of the consumer, or
- i. Biometric data,

Or

- 2. Username or email address in combination with a password or security questions and answers that would permit access to an online account; and
- 3. Any of the data elements or any combination of the data elements described in (a)(i) of this subsection without the consumer's first name or first initial and last name if: (A) Encryption, redaction, or other methods have not rendered the data element or combination of data elements unusable; and (B) The data element or combination of data elements would enable a person to commit identity theft against a consumer.

Notification Trigger

30 days following discovery or notice of breach:

- 1. Entity that owns or licenses personal information shall notify Washington residents "in the most expedient time possible and without unreasonable delay" but not later than 30 days following discovery or notice of the breach,
- 2. Entity that only maintains or stores personal information shall notify the owner or licensee of the breach immediately following discovery, if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

Risk-of-Harm Analysis Standard

Notice is not required if the breach of the security of the system is not reasonably likely to subject consumers to a risk of harm. *The breach of secured personal information must be disclosed if the information acquired and accessed is not secured during a security breach or if the confidential process, encryption key, or other means to decipher the secured information was acquired by an unauthorized person.*

Special Form/Content of Consumer Notice

- 1. The notification must be written in plain language; and
- 2. The notification must include, at a minimum, the following information:
 - a. The name and contact information of the reporting person or business subject to this section;

- b. A list of the types of personal information that were or are reasonably believed to have been the subject of a breach;
- c. A time frame of exposure, if known, including the date of the breach and the date of the discovery of the breach, and
- d. The toll-free telephone numbers and addresses of the major credit reporting agencies if the breach exposed personal information.

AG Notice Trigger/Deadline

If notification to 500 or more Washington residents, entity must notify the attorney general.

- (a) The notice to the attorney general shall include the following information:
 - (i) The number of Washington consumers affected by the breach, or an estimate if the exact number is not known
 - (ii) A list of the types of personal information that were or are reasonably believed to have been the subject of a breach
 - (iii) A time frame of exposure, if known, including the date of the breach and the date of the discovery of the breach
 - (iv) A summary of steps taken to contain the breach, and
 - (v) A single sample copy of the security breach notification, excluding any personally identifiable information.
- (b) the notice to the attorney general must be updated if any of the information identified in (a) of this subsection is unknown at the time notice is due.

Notification to Consumer Reporting Agency or Reporting Agency/Threshold/Timing

N/A

The attorney general may bring an action in the name of the state, or as parens patriae on behalf of persons residing in the state, to enforce this chapter. For actions brought by the attorney general to enforce this chapter, the legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. For actions brought by the attorney general to enforce this chapter, a violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for purposes of applying the consumer protection act, chapter 19.86 RCW. An action to enforce this chapter may not be brought under RCW 19.86.090.

1. Any consumer injured by a violation of this chapter may institute a civil action to recover damages.
2. Any person or business that violates, proposes to violate, or has violated this chapter may be enjoined.
3. The rights and remedies available under this chapter are cumulative to each other and to any other rights and remedies available under law.

Third Party Notification Standard

N/A