Consumer Rights

• Access
• Correction
• Deletion
• Data portability

• Opt out of the processing of personal data for the purposes of:
  o Targeted advertising
  o The sale of personal data; or
  o Profiling in furtherance of decisions that produce legal effects
Scope

- Applies to legal entities that conduct business targeted to Washington residents and:
  - Control or process personal data of more than 100,000 consumers during a calendar year; or
  - Derive over 25% of gross revenues from the sale of personal data and process or control the personal data of over 25,000 consumers.

- Does not apply to state agencies, local governments, tribes, the judicial branch, or air carriers.

- Does not apply to personal data regulated by certain federal and state laws. Does not apply to nonprofits and higher education institutions until 2026.
Controller responsibilities

- Comply with a request to exercise a right within specified timelines
- Provide a privacy notice
- Limit collection of data to what is required for the specified purpose
- Implement security measure
- Obtain consent prior to processing sensitive data
- Prohibit discrimination
- Prohibit retaliation against a consumer for exercising rights
- Establish an internal appeals process
Data protection assessments

- Requires data protection assessments for the following activities:
  - Processing for purposes of targeted advertising, the sale of personal data, or profiling where reasonably foreseeable risks are present
  - Processing of sensitive data
  - Any processing activities that present heightened risk of harm to consumers
Enforcement

- Provides that a violation of this chapter may not serve as the basis for a private right of action
- Provides sole Attorney General enforcement under the Consumer Protection Act
- Provides a 30-day cure period
- Prescribes penalties of up to $7,500 per violation
- Authorizes recovery of the costs of investigation
Other provisions

- Preempts local regulations regarding the processing of personal data, except for those in effect as of July 1, 2020
- Includes specific privacy regulations for data processed for contact tracing purposes