



March 10, 2020

## HOUSE AMENDED WASHINGTON PRIVACY ACT RECEIVES PUSHBACK FROM WASHINGTON SENATE

On March 9, 2020, the Washington Senate refused to concur with the House-amended Washington Privacy Act ("WPA"), S.B. 2681. In January 2020, the Washington Senate reintroduced the WPA to the Washington Senate Rules Committee. See our prior ALERT dated January 15, 2020 for more details on the WPA.

In 2019, the WPA failed to pass in the Washington House because it lacked a private right of action and adequate facial recognition privacy provisions. The Washington Senate passed the WPA on February 14, 2020, but the Senate version lacked a private right of action provision.

On March 6, 2020, the Washington House passed the WPA with amendments that provide for a private right of action under the Washington Consumer Protection Act to enforce a consumer's privacy rights granted in the WPA and a less stringent applicability threshold. Under the WPA as amended by the House, the WPA would apply to a business that (i) controls or processes personal data of 100,000 or more consumers or (ii) derives over 25% of gross revenue from the sale of personal data and processes or controls personal data of 25,000 consumers or more (as opposed to the 50% gross revenue threshold in the Senate-passed WPA).

The WPA was sent back to the Senate for reconsideration, but the Senate refused to concur with the amendments and asked the House to recede from the amendments. The Washington lawmakers have until March 12, 2020 to come to an agreement and pass the WPA before the 2020 Washington Regular Session ends. □

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