



January 23, 2023

Senator Drew Hansen
Chair of the House Civil Rights & Judiciary Committee
370 John L O'Brien Building
PO Box 40600
Olympia, WA 98504

Representative Vandana Slatter
308 John L. O'Brien Building
PO Box 40500
Olympia, WA 98504

RE: Washington HB 1155

Dear Chair Hansen and Representative Slatter:

On behalf of the advertising industry, we provide input below on Washington HB 1155.¹ We offer this letter to express our non-exhaustive list of concerns about this legislation. Our organizations support the enactment of meaningful privacy protections for Washingtonians. However, as presently drafted, HB 1155 would have far-reaching, unintended, and unfavorable consequences for Washington consumers and the business community alike.

The bill's terms, coupled with its overly broad definition of "consumer health data," could unintentionally impede Washingtonians from receiving useful and relevant information about products and services they may desire. As defined, the term "consumer health data" would include any information that could possibly be related—however tangentially—to the health of a consumer. The definition could be interpreted to include basic data points, such as the fact that a consumer purchased shampoo at a local grocer, attended a fitness event, or signed up to receive promotional notices about specific clothing or footwear restocks. None of this information is inherently related to consumer health, but the bill's broad definition of "consumer health data" could sweep such information into its ambit. The bill should be updated to narrow the definition of the term "consumer health data."

Additionally, and in part due to the bill's broad definitions, the requirement to obtain consent every time a regulated entity collects or shares consumer health data would inundate Washingtonians with an overwhelming number of consent requests for basic data processing activities. This requirement would result in significant consent fatigue for Washingtonians instead of providing meaningful privacy protections for consumers. HB 1155's detrimental—and likely

¹ Washington HB 1155 (Gen. Sess. 2023), located [here](#).



unintentional—consequences would hinder consumers from receiving significant benefits associated with routine and essential data practices while simultaneously placing overly burdensome requirements on regulated entities that process any information that could even vaguely be related to consumer health.

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We and our members support protecting consumer privacy. We believe, however, that HB 1155 takes an overly broad approach to the collection, use, and disclosure of any data that could possibly be related to or indicative of consumer health. We therefore respectfully ask you to reconsider the bill. We would also very much welcome the opportunity to engage with you further about an appropriate way to define “consumer health data” so Washingtonians enjoy robust protections without forfeiting the ability to receive benefits from the modern data-driven economy.

Thank you in advance for your consideration of this letter.

Sincerely,

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