

Washington Privacy Act Fails To Pass Legislature, But Signs Point To Continued Push In 2021

Insights

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For the second year in a row, the Washington legislature failed to pass an ambitious consumer privacy protection bill into law. As we discussed [on this blog earlier this month](#), the proposed Washington Privacy Act (“WPA”) was brought by a bipartisan group of Washington legislators that looked to be the most protective consumer privacy act in the country. This year’s WPA came on the heels of a similar bill proposed in 2019 that narrowly failed passing into law.

However, the 2020 version of the WPA met the same fate as the 2019 bill. In a statement acknowledging the failure of the 2020 WPA, Sen. Reuven Carlyle identified the enforcement mechanism as the sticking point that caused the bill’s failure. Specifically, the lawmakers could not come to an agreement on whether the WPA should contain a private right of action that would allow individuals to bring lawsuits in their personal capacity (which is permitted by California’s Consumer Privacy Act), or whether the WPA would limit enforcement to the state attorney general only.

This recent failure does not spell the end of consumer privacy legislation in Washington, however. Representative Norma Smith issued a statement that she believes “a better bill can be brought forward in 2021 that will truly empower consumers in a big data economy.” Look for Washington legislators to continue to work on a consumer privacy bill for submission in 2021.

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