



Computer & Communications
Industry Association
Open Markets. Open Systems. Open Networks.



April 21, 2023

The Honorable Jay Inslee, Governor
Office of the Governor
P.O. Box 40002
Olympia, WA 98504-0002

RE: Veto request - Engrossed Substitute House Bill No. 1155 entitled: AN ACT Relating to the collection, sharing, and selling of consumer health data.

Dear Governor Inslee:

On behalf of the organizations signed on below, we respectfully request that you veto Engrossed Substitute House Bill 1155.

In the wake of the *Dobbs v. Jackson* decision, it is crucial that Washingtonians be able to access health services and information without fear of surveillance. We commend the legislature for their leadership and thoughtfulness by advancing this legislation to protect people from harm by safeguarding health data.

We believe the bill has multiple flaws that are unacceptable. Amendments could have been adopted by the legislature to improve clarity for both regulated entities and consumers; align legislation with other state privacy regulations; and reduce some unnecessary or counterproductive administrative burdens on entities. Therefore, we respectfully request that you return ESHB 1155 without your signature. Specifically,

- **Consumer health data.** This definition of health data should specifically refer to physical or health data, condition or diagnosis generated by the consumer so that it is not overly broad to include socio-economic data and not too narrow to not include consumer reported menstruation data.
- **Solve customer problems with a cure period.** This bill would expand protections of health data by empowering consumers with the right to have their health data deleted. To support the timely deletion of data, and safeguard consumer's health data, providing a regulated entity an

opportunity to fix errors or “cure” an issue where a company has implemented strong processes to detect and mitigate harms is necessary.

By providing a cure period and removing a private right of action, this bill would have incentivized regulated entities to address any harms before legal action was necessary as well as facilitating a more timely process for data to be deleted and eliminate lengthy court battles for consumers seeking to exercise their rights. Further, the lack of a cure period or pre-suit notice penalizes good actors that may have made an unknowing or technical violation.

Thank you for your consideration of our request for you to veto ESHB 1155. We are grateful for your leadership, and are committed to working with the legislature and stakeholders in the next legislative session to ensure our diverse and growing population is able to access health services and information without fear of surveillance.

Respectfully,

Tepring Piquado, PhD

Senior Director of Government Relations, Western US
Chamber of Progress

Khara Boender

State Policy Director
Computer & Communications Industry Association

Paul Lekas

Senior Vice President, Head of Global Public Policy and Government Affairs
Software & Information Industry Association