



PROPOSED RULE MAKING

CR-102 (July 2022) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: August 24, 2022

TIME: 11:59 AM

WSR 22-17-171

Agency: Department of Licensing

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 21-10-098 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) WAC 308-10A Data Privacy

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
9/27/2022	2:00 p.m.	<p>This hearing will take place on Zoom.</p> <p>Join Zoom Meeting Link: https://dol-wa.zoom.us/j/87001652246?pwd=U3A3MnJLT2ZCVHJYRWRVQTFV1NDZz09</p> <p>Meeting ID: 870 0165 2246 Passcode: 220124 One tap mobile +12532158782,,87001652246#,,,*220124# US (Tacoma) +17193594580,,87001652246#,,,*220124# US</p> <p>Find your local number: https://dol-wa.zoom.us/u/kb1UKV39W</p>	If you are having trouble accessing Zoom at the time of the public hearing, please call 360-902-3846.

Date of intended adoption: 9/28/2022 (Note: This is NOT the effective date)

Submit written comments to:

Name: Ellis Starrett
Address: 1125 Washington St SE, Olympia, WA 98504
Email: rulescoordinator@dol.wa.gov
Fax:
Other:
By (date) 9/26/2022

Assistance for persons with disabilities:

Contact Ellis Starrett
Phone: 360-902-3846
Fax:
TTY:
Email: rulescoordinator@dol.wa.gov
Other:
By (date) 9/19/2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Primarily this WAC is for the implementation of SSB 5152. Additionally, RCW 308-104-150 is being updated to make consistent with existing laws.

Reasons supporting proposal:

Statutory authority for adoption: RCW 48.01.110

Statute being implemented: RCW 46.22.010

Is rule necessary because of a:

- Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: N/A

Type of proponent: Private Public Governmental

Name of proponent: (person or organization) N/A

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Debbie Dunn	1125 Washington St SE, Olympia WA 98504	360-902-0136
Implementation:	Debbie Dunn	1125 Washington St SE, Olympia WA 98504	360-902-0136
Enforcement:	Debbie Dunn	1125 Washington St SE, Olympia WA 98504	360-902-0136

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?

Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name: Ellis Starrett
Address: 1125 Washington St SE, Olympia, WA 98504
Phone: 360-902-3846
Fax:
TTY:
Email: rulescoordinator@dol.wa.gov
Other:

No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:
- | | |
|---|---|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under [RCW 46.22.010\(3\)\(iv\)](#).

Explanation of how the above exemption(s) applies to the proposed rule: RCW 46.22.010(3)(ii-iii) requires that data recipients be audited for both data security and permissible use. Subsection(iv) requires that DOL not be responsible for the costs of the audits. Therefore, DOL must pass on all audit costs to the recipients of the data. DOL has made changes to the proposed rule to minimize the cost of the audits as much as possible for small businesses. Please see the SBEIS for details.

(2) Scope of exemptions: *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)): The following WACs are exempt from this requirement per RCW 46.22.010(3)(iv): WAC 308-10A-201, 308-10A-401. RCW 308-10A-402
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

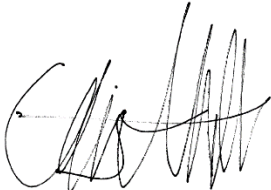
(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here: Please email rulescoordinator@dol.wa.gov for a copy of the full SBEIS.

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name: Ellis Starrett
 Address: 1125 Washington St SE, Olympia, WA 98504
 Phone: 360-902-3846
 Fax:
 TTY:
 Email: rulescoordinator@dol.wa.gov
 Other:

Date: August 23, 2022	Signature: 
Name: Ellis Starrett	
Title: Rules and Policy Manager	