

Enrolled
House Bill 3047

Sponsored by Representatives WITT, BYNUM, POST; Representatives ALONSO LEON, CAMPOS, DEXTER, GRAYBER, NERON, NOBLE, NOSSE, POWER, PRUSAK, REYNOLDS, SALINAS, SANCHEZ, SCHOUTEN, SOLLMAN, WILDE, Senators MANNING JR, TAYLOR

CHAPTER

AN ACT

Relating to disclosure of personal information; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) **“Disclose” includes, but is not limited to, transfer, publish, distribute, exhibit, advertise and offer.**

(b) **“Injure” means to subject another to bodily injury or death.**

(c) **“Harass” means to subject another to severe emotional distress such that the individual experiences anxiety, fear, torment or apprehension that may or may not result in a physical manifestation of severe emotional distress or a mental health diagnosis and is protracted rather than merely trivial or transitory.**

(d) **“Personal information” means:**

(A) **The plaintiff’s home address, personal email address, personal phone number or social security number;**

(B) **Contact information for the plaintiff’s employer;**

(C) **Contact information for a family member of the plaintiff;**

(D) **Photographs of the plaintiff’s children; or**

(E) **Identification of the school that the plaintiff’s children attend.**

(e) **“Stalk” means conduct constituting the crime of stalking under ORS 163.732 or conduct that would give rise to an action for issuance or violation of a stalking protective order under ORS 30.866.**

(2) **A plaintiff has a cause of action for improper disclosure of private information if the plaintiff establishes by a preponderance of the evidence that:**

(a) **The defendant, with the intent to stalk, harass or injure the plaintiff, knowingly caused personal information to be disclosed;**

(b) **The defendant knew or reasonably should have known that the plaintiff did not consent to the disclosure;**

(c) **The plaintiff is stalked, harassed or injured by the disclosure; and**

(d) **A reasonable person would be stalked, harassed or injured by the disclosure.**

(3) **A plaintiff who prevails in a claim under this section may recover:**

(a) **Economic and noneconomic damages, as those terms are defined in ORS 31.710;**

(b) **Punitive damages;**

(c) **Injunctive relief;**

- (d) Reasonable attorney fees; and
 - (e) Any other appropriate equitable relief.
- (4) An action under this section must be commenced not later than two years after the conduct that gives rise to a claim for relief occurred.

SECTION 2. Section 1 of this 2021 Act applies to disclosures of personal information occurring on or after the effective date of this 2021 Act.

SECTION 3. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

Passed by House April 26, 2021

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 Timothy G. Sekerak, Chief Clerk of House

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 Tina Kotek, Speaker of House

Passed by Senate June 7, 2021

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 Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2021

Approved:

.....M,....., 2021

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 Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

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 Shemia Fagan, Secretary of State