



March 22, 2021

TO: House Committee on Judiciary  
FR: Charlie Fisher, State Director, Oregon State Public Interest Research Group (OSPIRG)  
RE: HB 3284

OSPIRG supports COVID-19 contact tracing data privacy regulations. As more of our daily life, work, and commerce lives online, a proliferation of companies are now tracking, sharing, and selling literally thousands of data bits about us, often without express consent, usually just to sell us more stuff. With this in mind, it's especially important that the state put clear and meaningful data privacy protections in place for consumers who choose to use a contact tracing application.

We anticipate that based on the direction of the stakeholder process being led by the Oregon Department of Justice, we will be supportive of the final product. Throughout that process, we've recommended the following elements be included:

**Public health purpose-limitation:** Only collection and use of personal information that is directly related to protecting public health, specifically as it relates to the spread of COVID-19, should be permitted. While there are likely many commercial uses for which companies developing a contact tracing application may want to collect personal data, the public must be able to trust that their information will not be shared or used for other non-public health reasons. It is also critical that information collected is deleted after the current public health emergency ends.

**Affirmative & revocable consent:** Any contact tracing program must be subject to opt-in, affirmative consent that clearly communicates to a consumer what kinds of information is being collected and specifically how it will be used. Consent must also be given separate from any other service agreements and without so-called "dark patterns" intended to mislead or trick consumers. Participants must also have the ability to revoke their consent at any time and have information about them deleted.