

## **SB 619 STAFF MEASURE SUMMARY**

### **Senate Committee On Judiciary**

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**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 3/7

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#### **WHAT THE MEASURE DOES:**

Specifies rights for consumers whose personal data is controlled or processed by persons who, in a calendar year, control or process the data of 100,000 or more consumers or devices that link to one or more consumers, and details the obligations of those persons or entities ("controllers"). Provides a consumer the right to: confirm whether the controller is processing the consumer's personal data; request the categories of personal data processed; request a list of third parties to whom the data has been disclosed; receive a copy of the consumer's personal data; require the controller to correct inaccuracies in certain personal data, or to delete a consumer's personal data; and the right to opt out of processing for targeted advertising, sale of the personal data, or profiling the consumer for certain purposes. Specifies requirements for controllers to comply with a consumer's requests, including response time, consumers' appeal rights, and permits controllers to charge fees multiple requests in a 12-month period.

Requires a controller to specify in its privacy notice the express purpose for which the personal data is collected and processed, the categories of data that are collected, the categories of third parties to whom the data is disclosed, the name under which the controller is registered to do business in the state, and how a consumer may exercise their rights and appeal a controller's decision. Directs controllers to provide an effective means to revoke consent with the same ease as the consumer provided consent. Prohibits controllers from processing data that is not reasonably necessary or compatible with purposes specified in the privacy notice, from processing sensitive data without consent and compliance with data protections for children, or from processing data for targeted advertising without consent for consumers between 13 and 15 years of age. Prohibits controllers from discriminating against consumers who have exercised rights provided by the measure. Specifies certain requirements for controllers who process de-identified data. Requires controllers to conduct and document a data assessment for each of the controller's processing activities that present a heightened risk of harm to consumers. Directs processors to assist controllers in meeting the controller's obligations under the measure.

Excepts from the measure public bodies and information that is covered by certain existing privacy protection laws. Additionally excludes information collected solely for enabling certain emergency notices, enabling employment, or enabling ownership of, a contractual relationship with, or receipt of employment benefits from a business entity. Permits a controller to cooperate in governmental inquiries, subpoenas, and summonses; to investigate, initiate or defend legal claims; to protect a person's safety; and other specified actions.

Authorizes the Attorney General to issue investigative demands and to bring a civil action for penalties, enjoin a violation, or obtain equitable relief. Requires the Attorney General to provide notice and an opportunity to cure a violation before bringing an action prior to January 1, 2025. Permits a private right of action after January 1, 2026 for a consumer who suffers an ascertainable loss of money or property as a result of a controller's violation of the measure, if commenced within two years of discovering the loss. Consumer rights and controller responsibilities in the measure become operative on July 1, 2024.

#### **ISSUES DISCUSSED:**

#### **EFFECT OF AMENDMENT:**

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No amendment.

**BACKGROUND:**

The Oregon Attorney General convened a Consumer Privacy Task Force in 2019 to consider legislative proposals regarding consumers' online privacy and standards for businesses that obtain consumer data about the consumer's online activities. This measure is a product of that Task Force.

Senate Bill 619 would provide certain rights to consumers and set responsibilities for data controllers regarding data collected from consumers' online activities.