



January 17, 2023

Oregon House Committee On Business and Labor

RE: H.B. 2052, data broker registry

Dear Chair Holvey, Vice Chair Elmer, Vice Chair Sosa, and Committee Members,

The Insights Association (IA), the leading nonprofit trade association for the market research and data analytics industry, writes to comment on H.B. 2052, legislation scheduled for hearing in your committee on January 18, on behalf of our 65 members in Oregon (and over 7,000 overall, many of whom drive revenue for the state through investment, travel, and research/analytics studies).

Our members are the world's leading producers of intelligence, analytics and insights defining the needs, attitudes and behaviors of consumers, organizations and their employees, students and citizens. With that essential understanding, leaders can make intelligent decisions and deploy strategies and tactics to build trust, inspire innovation, realize the full potential of individuals and teams, and successfully create and promote products, services and ideas.

IA is concerned by the data broker requirements in H.B. 4017, which would unnecessarily stigmatize many of our members, who would be generally captured in the broad definition of a data broker in this bill.

However, should you and your fellow legislators decide to move forward with H.B. 4017, the Insights Association especially urges you to make an improvement to the definition of a "data broker" in Section 1.

We recommend amending the definition of a "data broker" to carefully exclude an insights provider, by adding the following provision to the list under 1(c)(B):

"A business entity that sells or licenses brokered personal data if such data is limited by contract to use only for purposes of market research, defined as the collection, use, maintenance, or transfer of personal information as reasonably necessary to investigate the market for or marketing of products, services, or ideas, where the information is not: (I) integrated into any product or service; (II) otherwise used to contact any particular individual or device; or (III) used to advertise or market to any particular individual or device."¹

¹ This definition is used by the model federal privacy legislation put forward by Privacy for America in Part I, Section 1, R: <https://www.privacyforamerica.com/overview/principles-for-privacy-legislation-dec-2019/> and was included in the federal privacy bill (ADPPA) passed out of the House Energy and Commerce Committee in summer 2022.

Such a clarification will protect the production of insights while still providing necessary transparency to consumers (by requiring, via contract, that the information involved can only be used for market research purposes).

The Insights Association and our members support protecting and promoting consumer privacy. We look forward to talking with you, your staff, and your fellow Oregon legislators, and providing further information regarding the insights industry and H.B. 2052.

Sincerely,

Howard Fienberg
Senior VP, Advocacy
Insights Association

P R O T E C T  C O N N E C T  I N F O R M  P R O M O T E

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