



The Oregon Newspapers Publishers Assoc. (ONPA) and its member newspapers have reviewed SB 619. We offer the following observations

SB 619 is very complex and very open-ended in its scope and its remedies for non-compliance. ONPA agrees that those organizations which are created to broker or sell personal data or permit unrestricted access to it, are proliferating. This has been reported in our newspapers. Our newspapers have cautioned against the wide-spread abusive or unauthorized use of such information. Our newspapers, like public libraries, maintain strict privacy controls over access to such information for our subscribers, whether print copy or digital subscribers.

It is difficult, without more conversation and more intensive legal reviews, to juxtapose the well-intentioned policy behind SB 619 with the unique and constitutionally protected activities of newspapers. ONPA is concerned that SB 619, as presently drafted, may involve unintended consequences which conflict with free press guarantees. This is not a theoretical concern. The threat of law suits, which would be specifically permitted by SB 619's enactment and its mandatory recovery of money damages, is by itself, a threat on newspaper operations. That goes to the heart of our system, where a free and independent fully operating press is not only permitted but encouraged to function robustly and without fear that it is a target for those who may use any law to compromise or cripple it.

We have, as a society, learned that social media is no substitute for reporting actual news by qualified professional journalists who are oftentimes the sole source of day-in/day-out coverage for our local communities and local government agencies. As you read SB 619, put yourself in the position of the publisher, who is left wondering if and how a SB 619 system applies to publishing activities and whether there is financial jeopardy presented not only by inadvertently violating SB 619's open-ended requirements but whether someone could merely contend that this is the case, leading to expensive legal actions. It won't take many of such instances to financially harm a newspaper, meaning that resources are diverted away from newspaper's primary and recognized role in our system of government.

ONPA and its members simply don't understand how the bill, in its present form, is intended to impact newspapers or reach supposedly detrimental newspaper practices. Similar legislation has been introduced elsewhere in the country. The legislation in other states has typically exempted newspaper operations, precisely because of the importance of a free press and its constitutional recognition.

We believe SB 619 should reflect this sentiment and policy. We are quite willing to discuss how SB 619 is intended to impact newspaper operations. Those discussions need to recognize the fragility of a free press' operation and why it is protected in a fundamental way that has been part of federal and state law for over three centuries.

Thank you for the opportunity to comment.

A handwritten signature in black ink, appearing to read "Laurie Hieb". The signature is fluid and cursive, with the first letter being a large, stylized capital 'L'.

Laurie Hieb
Oregon Newspaper Publishers Association
Executive Director