



Oppose Liability Provisions in SB 619

SB 619, and the recently released redline from the AG’s office, which seeks to protect the personal data of consumers, is well-intentioned; however, there are several concerns with the bill, including two extremely concerning provisions that **would make Oregon a national outlier**. These concerns prevent support from Oregon’s business community.

Liability for Corporate Directors & Officers

No other state has a provision specifying that directors and officers on boards of corporations are liable in cases of privacy breaches. Naming directors and officers in this bill would make it more complex to implement and create lawsuits. We urge you to remove this provision.

Private Right of Action

SB 619 bill and the redline allows enforcement through a Private Right of Action (PRA), giving private citizens the ability to pursue legal action for any violation outlined in the bill. The redline creates additional challenges due to the removal of GLBA and HIPAA protections as they relate to insurance compliance. No other state has a PRA included in its data privacy laws. We are opposed to the PRA in this bill because it will:

1. undermine the existing appropriate agency enforcement
2. result in unnecessary and costly litigation
3. clog our already backlogged court system

Oregon agencies have a demonstrated history of appropriately enforcing regulations in our state. Each agency has a team of experts that are able to guide the enforcement process and understand the complexities of encouraging compliance and innovation while preventing and remediating harms. Education and enforcement should be prioritized instead of encouraging lawsuits that circumvent the agency enforcement process.

The purpose of this legislation is compliance, yet it will potentially open the door to a significant number of additional lawsuits, clogging courts at a time when our justice system is already backlogged due to the challenges faced by COVID-19 over the last few years. Wasting time on these lawsuits when effective enforcement mechanisms already exist is irresponsible.

This concept has been carefully negotiated and vetted by the AG’s Consumer Privacy Task Force over the last three years. The inclusion of these two liability provisions threatens its ability to move forward, even as we continue to work through other technical issues of concern.

We urge you to remove the private right of action and the liability provision for corporate officers and directors in SB 619 for the bill to advance.

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