



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DATE: March 8, 2023

TO: Representative Dacia Grayber, Chair
House Committee on Emergency Management, General Government, and
Veterans

FROM: Kate Denison, Deputy Legislative Director
Oregon Department of Justice

SUBJECT: House Bill 3127 – Security of State Assets

This testimony is presented in support of HB 3127.

Background

The Attorney General and Oregon Department of Justice (DOJ) support measures to protect the security of state assets, and the privacy and security of Oregonians.

Data privacy and security are key issues for DOJ and General Ellen Rosenblum. Rapid changes in technology and information sharing have raised new challenges for businesses and governments alike. The sheer amount of information produced, collected and stored about Oregonians is expanding rapidly, and the data collected is more sensitive than ever. Health trackers, online banking, home security systems and even our cars are presenting new privacy and security challenges. Today's security vulnerabilities are evidenced by the growing number of data breach incidents reported to DOJ: since 2015, approximately 830 data security breaches were [reported](#) to our Consumer Protection Section.

Since she was first elected in 2012, Attorney General Ellen Rosenblum has worked with the Legislature on a number of policies to better protect Oregonians' personal data and our data security. This includes enhanced reporting and accountability requirements in the event of a data breach, special protections related to student privacy, Internet of Things security, and legal work to hold companies accountable for violating the law.

This session, the Attorney General's Consumer Privacy Task Force has proposed [HB 2052](#) relating to data brokers and [SB 619](#), which will provide Oregonians with comprehensive consumer privacy rights over how companies control and process their personal data. These bills include crucial privacy and security measures; however, they do not apply to state agencies. More work is needed to ensure we have adequate security and privacy with respect to government, and HB 3127 is an important step in the right direction.

HB 3127 Will Strengthen State Data Security Practices

While the Department of Justice and other state agencies already have strong security measures in place to ensure that data on our networks is secure, HB 3127 is yet another step the State of Oregon can take to prevent unauthorized access and ensure that state information and infrastructure are protected. This bill would align Oregon with the federal government and 27 other states by prohibiting the installation and download of certain products controlled by hostile foreign governments on state information technology assets.

To hostile foreign actors, access to data about U.S. citizens and our information technology is not just useful information – it is the power to surveil, influence and divide our democratic society. We have seen this happen on a grand scale on a with foreign governments using social media to attempt to influence our elections, and on a smaller scale when ByteDance, the parent company of video-sharing platform TikTok, found that employees tracked multiple U.S. journalists covering the company, improperly gaining access to their IP addresses and user data.¹

In June of 2022, a member of the Federal Communications Commission sent a letter to Apple and Google referencing a litany of controversies that TikTok found itself in over the years, including skirting Android safeguards to track users online, accessing iOS clipboard information, and settling a class-action lawsuit for \$92 million over allegations that it captured biometric and personal data from users in the U.S. without prior consent.²

Because TikTok (Bytdance) and other covered products in HB 3127 are from countries where the government has complete control over all commercial and even social information, those governments can ostensibly obtain whatever data is collected by those companies.

This bill does not limit what private Oregonians can download, access and use. Rather, HB 3127 institutes reasonable safeguards and restrictions on state employees' use of state information technology.

DOJ worked with the sponsors of this measure on an amendment to allow for the use of these products for bona fide investigatory, regulatory, or law enforcement purposes. This would allow the State to access these products if necessary to conduct civil and criminal investigations, or in exercising their regulatory functions. Some purpose examples would include Department of Human Services investigations into abuse of children and other vulnerable persons, employment actions, regulatory/disciplinary matters by licensing boards, litigation/discovery, and of court information security purposes.

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¹ <https://www.forbes.com/sites/emilybaker-white/2022/12/22/tiktok-tracks-forbes-journalists-bytedance/?sh=5f85b65f7da5>

² <https://www.fcc.gov/sites/default/files/carr-letter-apple-and-google.pdf>