



March 9, 2023

The Honorable Floyd Prozanski
Chair, Senate Committee on Judiciary

Re: S.B. 619-SUPPORT

Dear Sen. Prozanski:

Good afternoon, my name is Hayley Tsukayama and I am senior legislative activist at the Electronic Frontier Foundation, in support of SB 619. First, I want to thank the Attorney General's office and staff for their commitment to running such an inclusive and substantive process in drafting this bill.

EFF is a national digital civil liberties organization that has worked for years on privacy issues, with the goal of helping people understand, control, and make informed choices about the ways their information is collected and used. We appreciate that the bill embodies a lot of compromises between consumer advocates like us and businesses that have their own goals for collecting information. While this bill does not include every privacy protection we'd like to see enshrined for the people of Oregon, the back-and-forth we have had lands us in a strong place for consumer protection. This bill seeks to learn from other privacy laws that have gone before it, but also strives not to replicate their mistakes.¹ Advocates are often accused of letting the perfect be the enemy of the good. This bill is not perfect. But it is pretty good.

EFF pays particular attention to how bills are enforced, for laws without teeth have no bite at all. We are glad to see this bill retain its private right of action, which allows individuals to sue companies that have violated their privacy rights. People expect to be able to bring lawsuits, as they can for privacy laws regarding telecommunications, driving records, and credit reports, as well as for a number of other issues including clean water, employment discrimination, and access to public records.² You don't need a regulator to make time to make a case for you for those kinds of violations. Consumer privacy should be no different. We urge you to retain this important enforcement mechanism. Furthermore, while we oppose rights to cure in bills and see them as "get out of jail" free cards, we further appreciate that this bill compromises by sunseting its right to cure, following the lead of many other states.³

Finally, we appreciate how much work has gone into making this bill one that is workable for the average person. Managing your privacy can be a lot of work,

¹ <https://www.eff.org/deeplinks/2021/02/virginians-deserve-better-empty-privacy-law>

² <https://www.eff.org/deeplinks/2019/01/you-should-have-right-sue-companies-violate-your-privacy>

³ <https://www.eff.org/deeplinks/2021/07/improving-enforcement-state-consumer-privacy-laws>

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particularly when laws are not carefully crafted to ensure you have the best possible chance of being able to exercise your rights.

There are many ways this bill could be friendlier to an average person who wants to communicate what companies can do with their data. But we applaud the fact that the right to know includes knowing not only what categories of companies have your information, but specifically which third parties have it. So, rather than saying a "data broker company" has information, you can know your next request should go specifically to ACME Data. Tracking down where your information goes is already an onerous job. We should not set up more hurdles for people who want to communicate their privacy choices to companies.

We thank the Attorney General's office again for leading a long, productive discussion over how best to craft a general consumer data privacy law, and believe Oregon has an opportunity to lead the country in privacy protections. SB 619 is reasonable in its scope, more usable for everyday people, and contains enforcement provisions with weight.

Sincerely,



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