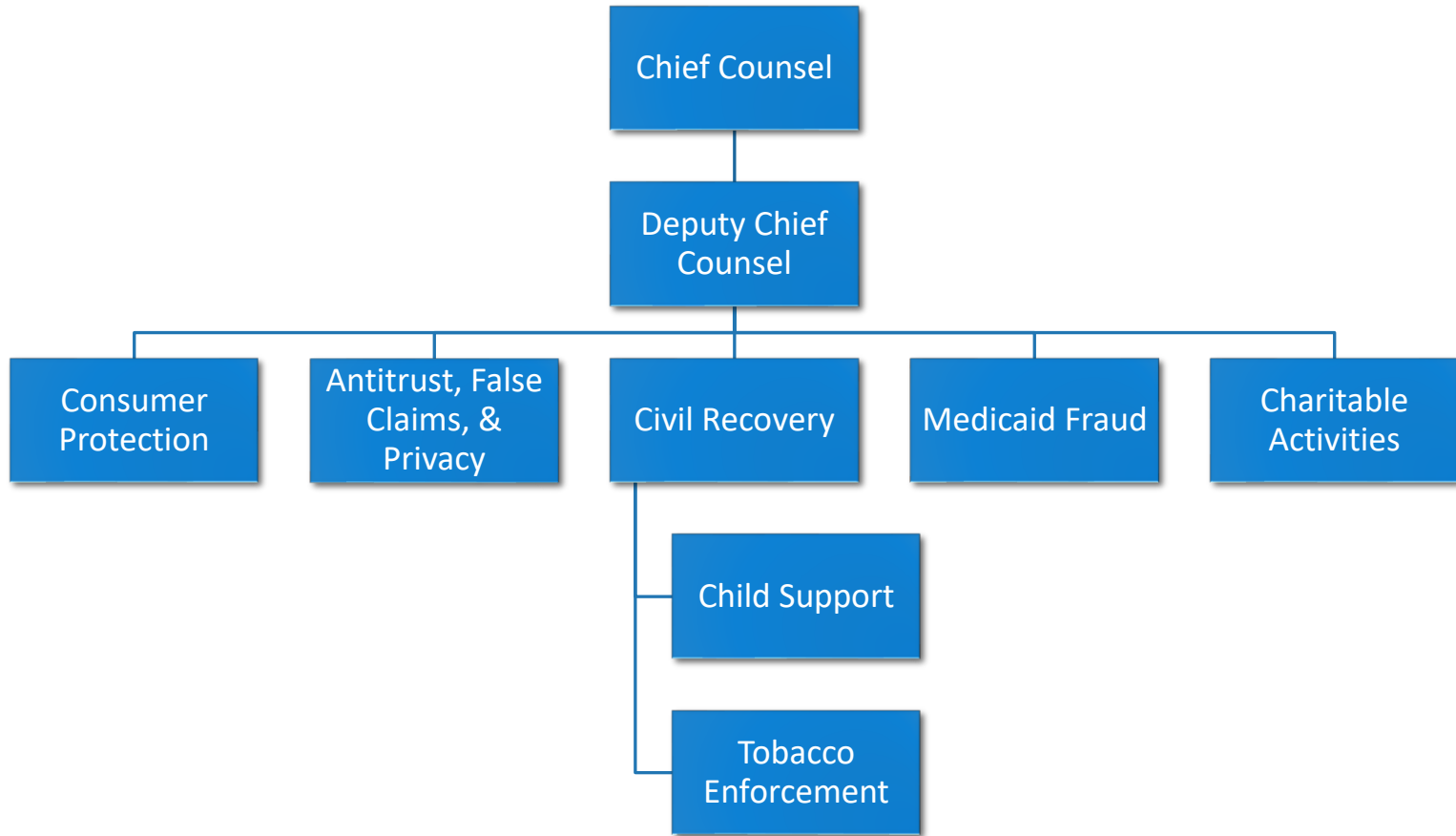


Civil Enforcement Division

Claudia Groberg, Chief Counsel

House Committee on Commerce and Consumer Protection
January 30, 2025

Civil Enforcement Division



Enforcement Unit

Small unit

- 7 attorneys and legal support staff

Self-funded

Strategic enforcement

- Investigate and prosecute violations of the Unlawful Trade Practices Act
- Focus on emerging issues, widespread pattern of serious violations and high impact

Challenging cases

- Complex factual and legal issues
- Document intensive, require outside experts
- Investigation to settlement can take 3+ years
- Understaffing causes delays, limits number of cases

Unlawful Trade Practices Act

A trade practice is unlawful only if it violates a specific provision of the Unlawful Trade Practices Act (“UTPA”).

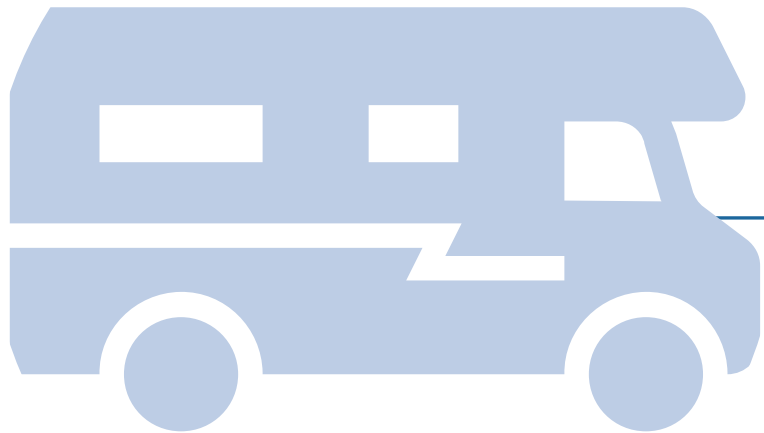
ORS 646.607

- Contains 14 unlawful trade practices
- Enforcement by Attorney General or District Attorney

ORS 646.608

- Contains 79 unlawful trade practices
- In addition to public enforcement, consumers can sue for damages

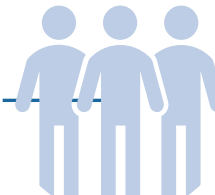
Camping World Settlement (December 2024)



Investigation
into deceptive
advertising
and sales
practices



\$3.5 million to the
Department of Justice,
including \$3 million
that will be returned
to consumers



Protections
for future
consumers

Public Facing Programs



Consumer Hotline

Full-time coordinator and team of volunteers

10,000 calls every year

300+ emails every week

Purpose: to provide information and resources



Consumer Complaints

Intake and complaint specialists, office staff

9,000 complaints

Informal dispute resolution, no legal advice or findings

Purpose: help consumers obtain refunds and other relief; provide DOJ with information about the marketplace



Other Programs

Oregon Foreclosure Avoidance Program

Telephonic Seller Registration Program

Top 10 Consumer Complaints



Imposter Scams



Auto Sales and Repairs



Telecommunications



Financial, Credit, and Lending



Towing



Travel Services



Construction Contractors



Grocery, Food, and Beverage



Manufacturing



Real Estate

Privacy Team

Enforces state and federal laws governing or relating to consumers' personal information.

1. Data Breaches

- Breach notification and reasonable security requirements.
- Lead multistate investigations into high profile incidents involving data of millions.

2. Oregon Consumer Privacy Act (OCPA)

- Comprehensive consumer privacy law, effective July 1, 2024.
- Places transparency and data minimization obligations on businesses and gives Oregon consumers rights to actively manage the personal and sensitive data companies collect / use.

WHAT IS THE OREGON CONSUMER PRIVACY ACT, AND WHAT ARE YOUR RIGHTS?



The Oregon Consumer Privacy Act took effect on July 1, 2024, and is enforced by the Oregon Department of Justice, Antitrust, False Claims, and Privacy Section. Under the OCPA, there are new requirements for certain businesses to limit the collection of personal data, keep it secure, and provide extra protection for the data of children and teens.

Privacy is broadly the right to be left alone. In this context, privacy relates to control over information about you that companies collect in online spaces. Any data that reveals information about you is considered “personal data.”

Your data is yours.
Keep it L.O.C.K.E.D.



L Request a **LIST** of third parties where your data was sold.

O **OPT-OUT** (say “no”) to businesses selling, profiling and using targeted advertising with your personal data.

C Get a **COPY** of the personal and sensitive data any business has about you.

K **KNOW** what personal information has been collected.

E **EDIT** any inaccuracies in the data.

D Ask a business to **DELETE** personal and sensitive information.

Businesses also must have an accessible privacy notice with contact information and an electronic way for Oregonians to request their L.O.C.K.E.D. rights. You can learn more about the new law on the [DOJ's website](#).



LEARN MORE



What is personal data?

Personal data includes, but is not limited to a person's name, address, email, login credentials, or browsing history on a smart TV.

Sensitive data is a type of personal data that includes private information such as race, ethnicity, religion, mental or physical health, sexuality, or location.

Any data about children under 13 is considered sensitive and has extra protection. There are also extra protections for the data of teens.

This law does not restrict what is called “deidentified data,” which is data that cannot be linked to individual consumers, and data that is publicly available.



Handout for consumers regarding privacy rights

Available on the DOJ [website](#).

This document is for informational purposes only and does not constitute legal advice or imply legal representation.

Handout regarding personal data

HOW TO PROTECT YOUR PERSONAL DATA

Oregonians have new rights under the Oregon Consumer Privacy Act, which took effect on July 1, 2024. The new law requires businesses to limit the collection of personal data, keep it secure, give consumers certain rights over their personal and sensitive data, and provide extra protection for the data of children and teens.

Steps to Control Your Data

You must contact each company directly to request your privacy rights. This request will apply to any data they may have on file about you.

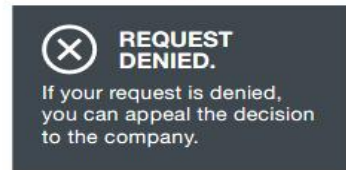


PROCESS



Privacy Complaints: If you have a problem requesting your privacy rights or suspect a business has violated your privacy rights, you can file a complaint on the [Department of Justice's website](#).

Scam alert: You are the only one who can start this process. A business should not contact you first about your privacy rights.



What is personal data?

Personal data includes your name, address, email, login credentials or browsing history on a smart TV.

Sensitive data is a type of personal data that includes private information such as race, ethnicity, religion, mental or physical health, sexuality, or location.

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LEARN MORE



PROTECTING CHILDREN'S DATA PRIVACY IN OREGON

Parents in Oregon have a powerful new tool to secure their children's personal data: the Oregon Consumer Privacy Act. The new law, which took effect in July 2024, requires most larger businesses to limit the collection of personal data, keep it secure and provide extra protection for the data of children and teens. Parents or legal guardians can exercise these new privacy rights on their children's behalf.

What the Law Means for Children and Teens

The law has extra protections for children and teens under 16 years of age. Special requirements for the data of children and teens include:

CHILDREN UNDER 13	TEENS 13-15	TEENS 16+
Businesses must get consent before collecting, using or otherwise processing any of their personal data. All data about children under 13 is considered sensitive , including their names, addresses, email, login credentials, race, ethnicity, religion, health and location.	Businesses must get permission from a parent or legal guardian before selling the personal data of consumers under 16 or using their data for targeted ads or certain types of profiling.	Older teens have the same consumer privacy protections as adults.

Handout regarding children's data privacy

How to Protect Your Child's Data

You can protect your child's data by visiting the privacy notices of different companies your child interacts with directly, and using the electronic form or email in that privacy notice to deny them permission to collect, sell or use your child's data. Businesses are required to provide an accessible privacy notice, contact information and a way for Oregonians to request their rights. Most businesses post their privacy notices at the bottom of their websites.

Complaints

If you suspect a business has violated your child's privacy rights, you can file a complaint with the Oregon Department of Justice's Antitrust, False Claims, and Privacy Section. Details and a complaint form are on the [DOJ's website](#).



LEARN MORE



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WHAT BUSINESSES SHOULD KNOW ABOUT OREGON'S NEW PRIVACY LAW

The Oregon Consumer Privacy Act went into effect for certain businesses on July 1, 2024, and will apply to nonprofits on July 1, 2025. It gives Oregonians control over their personal data by providing ways to access their data and requiring businesses to comply.

The law adds new requirements for businesses to limit the collection of the personal data of Oregon consumers, be transparent about how they use and secure that data, and provide additional protections for the data of children and teens.

Businesses also must have an accessible privacy notice with contact information and a way for consumers to request their rights under the law.

Qualifying private businesses must meet new standards to follow the law. Find out if your business qualifies [here](#).

Handout for Businesses

Available on the DOJ [website](#).

Businesses qualify if they are:

- 1 Located in Oregon, or
- 2 Located outside of Oregon but provide their goods/services to Oregon residents, and
- 3 Collect/use data from more than 100,000 Oregonians, or
- 4 Have data from at least 25,000 Oregonians, and at least 25% of their gross revenue comes from selling* data.

* "Selling" could be the exchange of money for customer personal data or a gained "value," such as the exchange of a customer list with another business or nonprofit.

If your business qualifies, here's what you need to do:

- ✓ Create a public privacy notice that describes why your company is collecting personal data.
- ✓ Provide a response to rights requests. Your privacy notice must provide a way for consumer to revoke consent to data collection and provide a way for consumers to contact your business and invoke their rights under the OCPA.



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<https://www.doj.state.or.us/consumer-protection/for-businesses/privacy-law-faqs-for-businesses/>

Thank you

Contact information:

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