

HB 2008 -3 STAFF MEASURE SUMMARY

House Committee On Commerce and Consumer Protection

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Meeting Dates: 4/3, 4/8

WHAT THE MEASURE DOES:

The measure requires the Department of Consumer and Business Services to study consumer protection.

ISSUES DISCUSSED:

- Concerns about how age verification works
- Enforcement of the data privacy statutes
- Why there is a restriction for consumer data of a person under 16 years of age verses 18 years of age

EFFECT OF AMENDMENT:

-3 The amendment fully replaces the bill. the amendment prohibits processing or profiling the consumer if the controller has actual knowledge or willfully disregards that the consumer is younger than 16 years of age. The amendment prohibits selling the date of a person the seller has actual knowledge or willfully disregards that the data is from a person younger than 16. the amendment prohibits the selling of data that accurately identifies, within a radius of 1750 feet, a consumer's present or past location, or the present or past location of a devise that links to the consumer by means of technology.

BACKGROUND:

In 2023, the Legislative Assembly enacted Senate Bill 619, the Oregon Consumer Privacy Act, that provides new rights to consumers and responsibilities for persons or companies (“controllers”) who, in a calendar year, control or process the data of 100,000 or more consumers or devices that link to one or more consumers, or 25,000 consumers if more than 25 percent of their revenue is from selling personal data.

It requires a controller to conduct and document data protection assessments, and to specify in its privacy notice the express purpose for which the personal data is collected and processed, the categories of data that are collected, the categories of third parties to whom data is disclosed, the name under which the controller is registered to do business in the state, and how a consumer may exercise their rights and appeal a controller's decision. Controllers may not process data that is not reasonably necessary or compatible with purposes specified in the controller’s privacy notice, process sensitive data without consent and compliance with data protections for children, or process data for targeted advertising without consent for consumers between 13 and 15 years of age.

The controller also must provide the consumer with an effective means to revoke consent with the same ease with which it was given. Under the measure, a consumer has the right to know and control how their personal data is used, including the ability to:

- confirm whether the controller is processing the data;
- request the categories of personal data processed;
- request a list of third parties to whom the data has been disclosed;
- receive a copy of the data;
- require the controller to correct some types of inaccuracies;
- delete the data; and
- opt out of data use for targeted advertising, sale of the personal data, or profiling for certain purposes.