

HB 3875 STAFF MEASURE SUMMARY

Carrier: Sen. Pham

Senate Committee On Labor and Business

Action Date: 05/06/25

Action: Do pass.

Vote: 5-0-0-0

Yeas: 5 - Bonham, Hayden, Patterson, Pham, Taylor

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Whitney Perez, LPRO Analyst

Meeting Dates: 4/29, 5/6

WHAT THE MEASURE DOES:

The measure specifies that the Oregon Consumer Privacy Act applies to motor vehicle manufacturers and any affiliates that control or process personal data from a consumer's use of a motor vehicle or any component of a motor vehicle, regardless of the number of consumers whom they possess the personal data of. Takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Application of the Oregon Consumer Privacy Act (Act) with the sale of used cars
- Impact of measure on vehicles that have already been sold prior to enactment of measure
- Provisions of the Act
- Potential future legislation for privacy protections
- Process to opt out of data collection and selling
- Limitation of the measure to motor vehicles
- Application of the Act to other appliances
- Meaning of sensitive data within the Act
- Application of the Act to businesses that collect large amounts of data
- Application of the Act to de-identified data

EFFECT OF AMENDMENT:

No amendment.

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 25,000 consumers if more than 25 percent of their revenue is from selling personal data.

SB 619 (2023) 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

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- 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.

Most large motor vehicle manufacturers are already subject to the Oregon Consumer Privacy Act because they collect more than 100,000 consumers' data. House Bill 3875 includes all manufacturers and any affiliates who process personal data to be subject to the Oregon Consumer Privacy Act.