



May 7, 2025

Senate Committee on Judiciary
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

RE: Testimony in Support of House Bill 2008A

Dear Chair Prozanski, Vice-Chair Thatcher, and members of the Committee,

Thank you for the opportunity to provide testimony on behalf of the American Civil Liberties Union of Oregon (ACLU of Oregon). The ACLU of Oregon is a nonpartisan, nonprofit organization dedicated to preserving and enhancing civil liberties and civil rights, with more than 46,000 members and donor supporters statewide.

We strongly support House Bill 2008A, which provides commonsense improvements to the Oregon Consumer Privacy Act. The ACLU of Oregon has consistently advocated for robust privacy protections, including for consumer data. HB 2008A strengthens existing state law by prohibiting the sale of data pertaining to children under 16 years of age and safeguards the rights of all by prohibiting the sale of precise geolocation data.

Although the ACLU of Oregon believes further reforms are required to fully safeguard Oregonians' data, we applaud this bill as an important step in the right direction. It is aimed at some of the worst data abuses happening today including the sale of data belonging to minors and the precise geolocation data of anyone.

- All too often, precise geolocation data is collected by companies and then sold to the highest bidder without consumers' consent or knowledge.
- Troublingly, location data can be used with other data to follow a person's movements or even track them in real time, which presents significant risks to personal safety and privacy.

The ACLU of Oregon's only concern is that a ban on selling precise geolocation data could potentially include newspapers and other media outlets. For example, they could be accused of violating the law for selling news that includes a public figure's precise geolocation data as part of routine, legitimate news gathering. However, it is our understanding that the intent of this bill is in no way to infringe on protected speech, press, and other forms of free expression.

- See *Bartnicki v. Vopper*, 532 U.S. 514, 527-28 ("[T]his Court has repeatedly held that if a newspaper lawfully obtains truthful information about a matter of public significance then state officials may not constitutionally punish publication of the information, absent a need ... of the highest order." (internal quotations omitted))

Additionally, in the future, the ACLU of Oregon encourages this Committee to consider other improvements to state law including:

- A private cause of action for violations of the Oregon Consumer Privacy Act

- Civil rights protections and greater data minimization protections

Nevertheless, the Legislature has before it an opportunity to fix two large gaps in the existing law. The ACLU of Oregon urges you to support the passage of House Bill 2008A.

Respectfully,

Michael Abrams, Policy Counsel

For any questions, please email Jessica Maravilla, Policy Director at jmaravilla@aclu-or.org