

Consumer Data Privacy

Current Protections and Challenges

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Oregon Consumer Justice (OCJ)
organizes, advocates, and supports
litigation to advance a justice movement
that **puts people first**, ensuring all have
the freedom to thrive and equitably share
in our abundance of resources.



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Current Consumer Protections



Oregon Consumer Privacy Act (OCPA)

List	Get a list of the entities that received your data or any data from a business.
Opt-out	Opt-out to a business selling, profiling, and using targeted advertising with your personal information.
Copy	Get a copy of the personal and sensitive data a business has about you.
Know	Know what information a business has collected about you.
Edit	Edit any inaccuracies in the data about you.
Delete	Delete personal and sensitive information businesses have about you.



Recent OCPA Updates

HB 2008 (2025) prohibits the:

- Sale of precise geolocation data for all Oregonians
- Sale of personal data of children under 16
- Use of data of children under 16 for targeted advertising and certain types of profiling

Universal Opt Out

- As of January 1, 2026, Oregonians can indicate their choice to opt-out of the sale of their data, and their data for targeted advertising and certain types of profiling

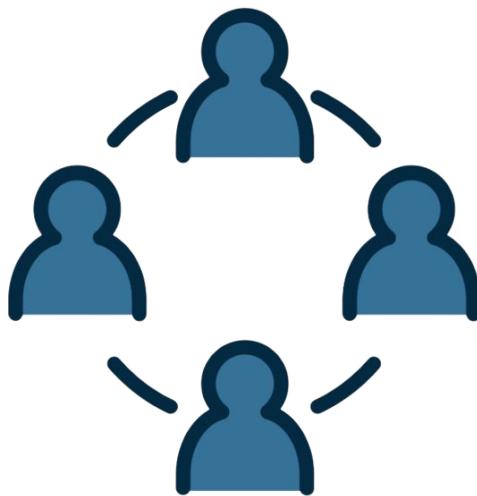


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Consumer Responsibility

Individual consumers must take action to protect their information and opt out of their personal data being collected and sold.

Companies can still track and monetize consumer data by default.



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Consumer Privacy Challenges



Not all Businesses are Covered

Thresholds – OCPA only applies if:

- Businesses make 25% or more of their annual gross revenue from the sale of personal data,
- OR they have the personal data of at least 100,000 consumers



Image from the Oregon DOJ:

doj.state.or.us/consumer-protection/id-theft-data-breaches/privacy/



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Industry Carve Outs

- **Government** – State, local, and special government bodies
- **Financial Institutions** – Entities and affiliates defined under ORS 706.008 or the Gramm-Leach-Bliley Act (GLBA)
- **Insurers** – Insurance companies, consultants, and third-party administrators defined under Oregon law.
- **Non-commercial activities of Media Outlets**



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Data Brokers

Universal opt out will help protect information from web browsing, but there are many other ways data brokers gather information.



Loans



Government
Records



Mobile
Apps



Purchase
History



Loyalty
Programs



Job
Registration



Online
Profiles



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Protection of Children's Data

SB 619 (2023) protected data for children under 13

HB 2008 (2025) expanded protections for children and youth under 16.

Sixteen and 17 year olds are still not as protected.



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Limited Enforcement Capacity

At this time, only the Attorney General can take action to enforce privacy laws.

There are **no opportunities for consumer-led enforcement** (private right of action), limiting options for holding entities accountable under the OCPA.



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Big Picture Consequences: Targeted Advertising and Dynamic Pricing

When consumer data is gathered, aggregated, and sold,
companies can manipulate the market at a macro scale.



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Dynamic Pricing Case Study

Instacart



Image from Consumer Reports:
consumerreports.org/money/questionable-business-practices/instacart-ai-pricing-experiment-inflating-grocery-bills-all42182490/

- Consumer Reports and Groundwork Collective uncovered the use of **AI-driven algorithmic pricing** to charge consumers different prices for the same products.
- The investigation found some grocery **prices differed by as much as 23% per item** from one customer to the next.
- Instacart announced it would end its dynamic price testing in December 2025 after the report gained national attention.



Available Consumer Resources and Gaps that Remain

Oregon Department of Justice

- Media outreach
- Website resources

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



Department of Consumer Business Services

- Website resources
- Outreach events

DFR Protect your finances

Financial services for consumers > Protect your finances > Consumer privacy resources

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- Data Privacy Cohort
- Digital Safety Comic in partnership with AGE+





Together,
we're building
the future
we deserve.

Thank
you.

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