


# 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.



Oregon Consumer Justice

# Current Consumer Protections



# Oregon Consumer Privacy Act (OCPA)

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

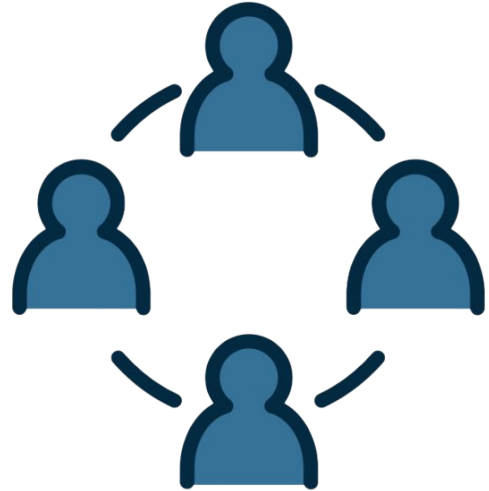
- As of January 1, 2026, Oregonians can indicate their choice to opt-out of the sale of their data, and their data for targeted advertising and certain types of profiling



# 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.



# 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





# 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**



# Data Brokers

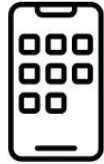
Universal opt out will help protect information from web browsing, but there are many other ways data brokers gather information.



Loans



Government  
Records



Mobile  
Apps



Purchase  
History



Loyalty  
Programs



Job  
Registration



Online  
Profiles



# 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.



# 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.



# 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

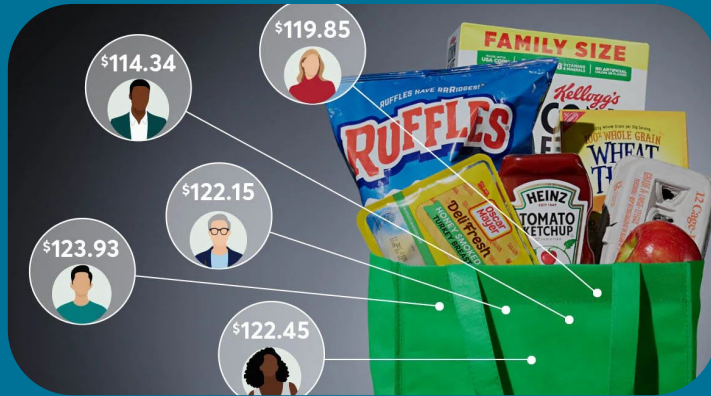


Image from Consumer Reports:  
[consumerreports.org/money/questionable-business-practices/instacart-ai-pricing-experiment-inflating-grocery-bills-all42182490/](https://consumerreports.org/money/questionable-business-practices/instacart-ai-pricing-experiment-inflating-grocery-bills-all42182490/)

- 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

## Department of Consumer Business Services

- Website resources
- Outreach events

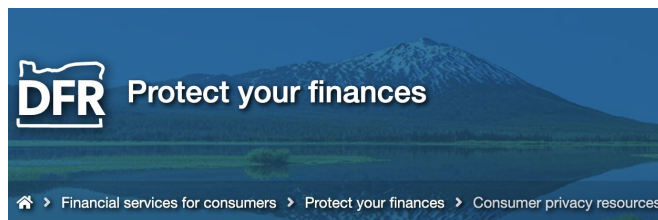
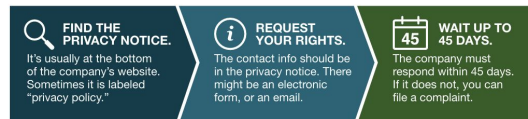
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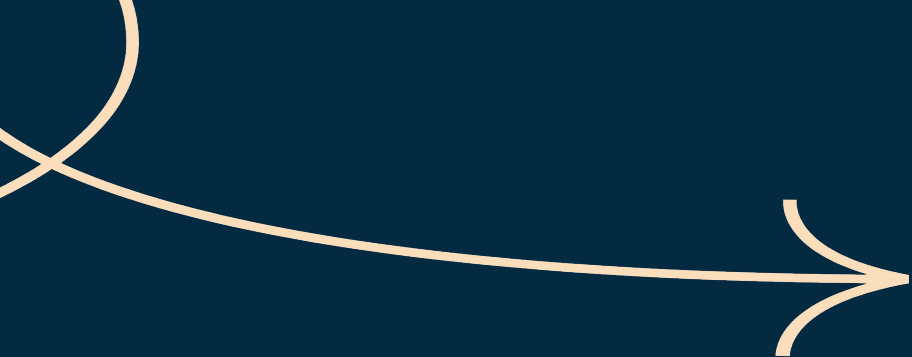
- Data Privacy Cohort
- Digital Safety Comic in partnership with AGE+

### 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





**Together,  
we're building  
the future  
we deserve.**

**Thank  
you.**

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