



February 10, 2026

Software & Information Industry Association  
1620 I Street NW  
Suite 501  
Washington, D.C. 20006

The Honorable Floyd Prozanski  
900 Court St. NE  
Salem, OR 97301

**Re: SB 1587**

Dear Chair Prozanski:

On behalf of the Software and Information Industry Association (SIIA), we write to offer our perspective on SB 1587.

By way of background, SIIA is the principal trade association for the software and digital information industries worldwide. Our nearly 400 member companies and associations represent the diverse landscape of digital content providers across academic publishing, education technology, financial information, and data analytics.

While SIIA supports meaningful consumer privacy protections, privacy legislation must still be balanced against other core values, including First Amendment-protected speech. As such, SIIA has concerns with SB 1587 as written.

First, SB 1587's restrictions on the dissemination of publicly available information impose a heavy burden on protected speech without advancing a compelling governmental interest, or even a substantial one. Such provisions violate the First Amendment rights of the businesses whose speech is burdened by them, as well as the Oregonians entitled to receive the information that the businesses provide. No substantial governmental interest in consumer privacy is advanced by singling out certain businesses and prohibiting them from transmitting personal information when many other individuals and businesses may continue to share the very same information. As the Supreme Court has held, the "facial underinclusiveness" of an information privacy law "raises serious doubts" about whether it serves any genuine governmental interest at all. *Fla. Star v. B.J.F.*, 491 U.S. 524, 540 (1989).

Oregon defines "brokered personal data" broadly, including identifiers like name, address, date/place of birth, mother's maiden name, biometric information, SSNs/government IDs, and other reasonably linkable information. In *Sorrell v. IMS Health*, the Supreme Court recognized that the creation and dissemination of information is "speech" for First Amendment purposes, and the fact that the information is sold for a profit does not strip it of this constitutional protection. 564 U.S. 552 (2011).

Purpose-based restrictions on sharing truthful information, as in SB 1587, are constitutionally highly suspect and seldom survive the strict scrutiny applied by courts.

Second, SB 1587 suffers from an independent constitutional flaw in that it adopts an unjustified and impermissibly vague standard for determining when a business may disseminate information from the public domain as it prohibits information used directly or indirectly for enforcement of civil law. Because this includes penalties and broad private enforcement, the predictable result is overblocking and chilling lawful information flows. By effectively making the judicial process the default gateway for many disclosures, SB 1587 effectively moves toward a permission-first model for communicating truthful information. A content-based regulation that is vague in this way “raises special First Amendment concerns because of its obvious chilling effect on free speech.” *Reno v. ACLU*, 521 U.S. 844, 871-72 (1997); *Citizens United v. FEC*, 558 U.S. 310, 324, (2010) (quoting *Connally v. Gen. Constr. Co.*, 269 U.S. 385, 391 (1926)). “The prohibition against vague regulations of speech” also is motivated by concerns about the “risk of discriminatory enforcement.” *Gentile v. State Bar of Nev.*, 501 U.S. 1030, 1051 (1991).

Third, the bill discriminates among speakers – singling out “data brokers” – and discriminates on the basis of speech content, which separately violates the First Amendment. Laws that “disfavor specific speakers” or “speech with a particular content” (*Sorrell*, 564 U.S. at 564) rarely survive First Amendment scrutiny. See *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 828 (1995) (“In the realm of private speech or expression, government regulation may not favor one speaker over another.”).

Finally, the broad approach taken by SB 1587 would have the unintended effect of hurting Oregonians who rely on brokered data each day for enforcement of civil laws that protect them - whether they know it or not. For example, financial institutions use brokered data to protect individuals from identity theft and to combat money laundering, and state and local governments use brokered data to locate individuals who are delinquent in paying child support obligations. There are many more examples like this. Were this bill passed as written, it would have significant downstream impacts on Oregonians.

We welcome the opportunity to meet with you to discuss changes to the legislation that would help alleviate these concerns and look forward to being a resource for your office.

Regards,

Abigail Wilson  
Director, State Policy  
Software & Information Industry Association

