

**PRELIMINARY STAFF MEASURE SUMMARY****CARRIER:**

Senate Committee on Judiciary

**REVENUE: No revenue impact****FISCAL: May have fiscal impact, statement not yet issued****SUBSEQUENT REFERRAL TO:****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Channa Newell, Counsel**Meeting Dates:** 3/26, 4/15

**WHAT THE MEASURE DOES:** Updates Oregon Consumer Identity Theft Protection Act. Requires notification to Attorney General of breach of security that affects more than 100 consumers. Makes violation of Act unlawful trade practice enforceable by prosecuting attorney. Expands definition of “personal information” to include unique biometric data, insurance policy numbers, and medical or health insurance information. Expands use of last four digits of certain numbers to include passport number, financial account number, and credit card number.

**ISSUES DISCUSSED:**

**EFFECT OF COMMITTEE AMENDMENT:** Proposed (-3) amendments clarify that personal information means data from automatic measurements of physical characteristics used to authenticate a consumer’s identity, a health insurance policy number in combination with another unique identifier, and any information about a consumer’s mental or physical health, medical history, or diagnosis or treatment. Changes trigger for notification to Attorney General from 100 consumers to 250 consumers. Deletes reference to social media sites. Clarifies that notification requirements do not apply to person who is in compliance with federal rules, regulations, procedures, or guidelines that are at least as thorough as those provided by Act. Exempts entities covered by Health Insurance Portability and Availability Act (HIPAA) when copy of notice sent to consumers or federal regulators is also sent to Attorney General.

**BACKGROUND:** The Oregon Consumer Identity Theft Protection Act was created in the 2007 Legislative Session by Senate Bill 583. Senate Bill 601 is an update to Act. It expands the definition of “personal information” to include biometric data and health insurance policy numbers or information. It requires a person who suffers a data breach of the personal information of another to notify the Attorney General when that breach affects more than 100 consumers. SB 601 also makes violation of the Act actionable by the Attorney General under the Unlawful Trade Practices Act.