

STAFF MEASURE SUMMARY

House Committee On Judiciary

**Fiscal:** Has minimal fiscal impact

**Revenue:** No Revenue Impact

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**Action Date:** 05/18/15

**Action:** Do Pass.

**Meeting Dates:** 05/18

**Vote:**

Yeas: 8 - Barker, Barton, Greenlick, Krieger, Lininger, Olson, Post, Williamson

Exc: 1 - Sprenger

**Prepared By:** Channa Newell, Counsel

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**WHAT THE MEASURE DOES:**

Updates Oregon Consumer Identity Theft Protection Act. Requires notification to Attorney General of breach of security that affects more than 250 consumers. Makes violation of Act unlawful trade practice enforceable by prosecuting attorney. Expands definition of “personal information” to include data from automatic measurements of physical characteristics, health insurance policy numbers in combination with other unique identifiers, and any information about consumers’ mental or physical health, medical history, or diagnosis or treatment. Expands use of last four digits of certain numbers to include passport number, financial account number, and credit card number. Exempts entities covered by Health Insurance Portability and Accountability Act (HIPAA) when copy of notice sent to consumers or federal regulators is also sent to Attorney General.

**ISSUES DISCUSSED:**

- New victim of data breach every two seconds
- Growing use of biometric data
- Increased theft of medical information
- Importance of enforcement authority by Attorney General
- Problems with fraudulent data breach notifications
- Need for supporting encryption of personal data

**EFFECT OF COMMITTEE AMENDMENT:**

No amendment.

**BACKGROUND:**

The Oregon Consumer Identity Theft Protection Act was created in the 2007 Legislative Session by Senate Bill 583. Senate Bill 601 A is an update to the Act. It expands the definition of “personal information” to include new sources of information, such as physical characteristics and health insurance policy numbers. 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 250 consumers. Senate Bill 601 A also makes violation of the Act actionable by the Attorney General under the Unlawful Trade Practices Act. Entities, such as hospitals or health care plans covered by HIPAA, are not subject to enforcement actions by the Attorney General if they provide notice to the Attorney General when notice is being provided to federal regulators.