

HB 2090 STAFF MEASURE SUMMARY

Senate Committee On Business and Transportation

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Meeting Dates: 5/10

WHAT THE MEASURE DOES:

Establishes that it is an unlawful trade practice if a person uses, discloses, maintains, deletes or disposes of consumer information in a manner, or for particular purposes not in accordance with, the person's statement or representation to a consumer.

FISCAL: Minimal fiscal impact

REVENUE: No revenue impact

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Rather than being enforced by private action, the Attorney General of the State of Oregon and district attorneys enforce unlawful trade practices as provided in ORS 646.607. In cases where the Attorney General or a district attorney believe that someone has engaged in, is engaging in, or is about to engage in an unlawful trade practice, they may serve the person with an investigative demand, which requires that the person appear and testify, answer to written interrogatories, or produce relevant documents or physical evidence for examination. The purpose of this process is to receive an assurance of voluntary compliance; both the Attorney General and district attorneys have the option of going to court to restrain a person from engaging in the alleged unlawful trade practice; while there are exceptions, notice must first be served, and the person must be given 10 days to deliver assurance of voluntary compliance.

House Bill 2090-A is meant to make people accountable for their own enumerated policy regarding how consumer information will be used, disclosed, collected, maintained, deleted or disposed. If a person asserts, on their website or in information available to consumers, how consumer information will or will not be used, disclosed, collected, maintained, deleted or disposed in a practical manner or for particular purposes, then any practices that are not in accordance with that policy are to be considered an unlawful trade practice.

HOUSE VOTE: 55-3