

**SB 769 A STAFF MEASURE SUMMARY**

**Carrier:** Sen. Linthicum

**Senate Committee On Judiciary**

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**Action Date:** 03/16/17

**Action:** Do pass with amendments. (Printed A-Eng.)

**Vote:** 5-0-0-0

**Yeas:** 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher

**Fiscal:** No fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Channa Newell, Counsel

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**WHAT THE MEASURE DOES:**

Specifies that person may not dispose of, or transfer to another for disposal, any material displaying consumer's Social Security number unless person makes number unreadable or unrecoverable, or ensures person disposing of material makes the number unreadable or unrecoverable.

**ISSUES DISCUSSED:**

- Importance of safeguarding data
- Department of Consumer and Business Services takes enforcement actions in small scale violations of Consumer Identity Theft Protection Act
- Department of Justice investigates and enforces large scale violations of Act
- Social Security numbers in emails or digital media must be redacted to last four digits
- Concerns with practices of sending documents to consumer-client that include full Social Security number of consumer

**EFFECT OF AMENDMENT:**

Clarifies scope of measure.

**BACKGROUND:**

Oregon's Consumer Identity Theft Protection Act prohibits a person from publicly posting or displaying a consumer's Social Security number, unless redacted. "Publicly posted or publicly displayed" means "to communicate or otherwise make available to the public." See ORS 646A.620(1). In a recent Oregon Court of Appeals decision, the court concluded that a company that placed 30 boxes of mortgage documents with unredacted Social Security numbers in a public dumpster was not in violation of the statute because placing the documents in a dumpster did not make them accessible to the public at large. See *122nd Group, LLC v DCBS*, 280 Or App 209 (2016).

Senate Bill 769-A adds specific provisions to ensure that a person may not dispose of, or transfer to another for disposal, documents that display a consumer's Social Security number unless the document has been redacted or made unreadable prior to disposal. If the documents are given to another party for disposal, the party giving the documents must ensure that the person responsible for ultimate disposal of the material makes the number unreadable or unrecoverable.