

**HB 2090 A STAFF MEASURE SUMMARY**

**Carrier:** Rep. Williamson

**House Committee On Business and Labor**

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**Action Date:** 04/03/17

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

**Vote:** 9-0-0-0

**Yeas:** 9 - Barreto, Bynum, Doherty, Evans, Fahey, Hack, Heard, Holvey, Kennemer

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

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**WHAT THE MEASURE DOES:**

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

**ISSUES DISCUSSED:**

- Volume of consumer information that passes through Internet
- Importance of business adhering to its own policy
- Limited scope of measure
- Measure does not require business to have policy on consumer information

**EFFECT OF AMENDMENT:**

Adds that is an unlawful trade practice to collect, maintain or delete information requested, required or received from consumer if not done in manner or for purpose stated to consumer on website or in consumer agreement.

**BACKGROUND:**

The unlawful trade practices listed in ORS 646.607 are enforced by the Attorney General (AG) and district attorneys (DAs), rather than by private action. When it appears to the AG or to a DA 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 the person to appear and testify, to answer written interrogatories, or to produce relevant documents or physical evidence for examination. The goal is to receive an assurance of voluntary compliance from the person. The AG or DA then have the option of going to court to restrain someone from engaging in the alleged unlawful trade practice; with exceptions, notice must first be served and the person must be given ten days to deliver an assurance of voluntary compliance.

House Bill 2090-A holds people accountable for following their policy on 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 that consumer information will be used, disclosed, collected, maintained, deleted or disposed in a manner or for particular purposes, then practices that are not in accordance with the policy are considered an unlawful trade practice enforced by the Attorney General and district attorneys.