

HB 2090 A STAFF MEASURE SUMMARY

Carrier: Sen. Riley

Senate Committee On Business and Transportation

Action Date: 05/10/17
Action: Do pass the A-Eng bill.
Vote: 5-0-0-0
Yeas: 5 - Beyer, Girod, Monroe, Riley, Thomsen
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Patrick Brennan, LPRO Analyst

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 purpose not in accordance with, the person's statement or representation to a consumer.

ISSUES DISCUSSED:

- Amount of data that is collected by private and public entities
- While many uses of data are benevolent, others are potentially harmful
- Expected number of complaints resulting from measure
- Importance of individuals being able to trust the integrity of information

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

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.

The intent of House Bill 2090-A is 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.