

**SB 1551 -2 STAFF MEASURE SUMMARY**

**Senate Committee On Judiciary**

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**Prepared By:** Channa Newell, Counsel

**Meeting Dates:** 2/9

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**WHAT THE MEASURE DOES:**

Modifies Oregon Consumer Identity Theft Protection Act. Provides consumers with one no-charge security freeze per calendar year. Requires notification of data breach to consumer within 45 days of discovering or receiving notification of the breach, unless existing exemption applies. Prohibits a person that provides no-charge credit monitoring service to a consumer following a breach from offering additional services or requiring or conditioning the offer for free services on purchase of a paid service. Adds definitions for account information and financial access devices. Requires notification to a financial institution of a breach when the breach involved a financial access devices issued by the financial institution. Updates duties of person with consumer's personal data to safeguard the data. Allows consumer reporting agency to ask consumer whether a security freeze request relates to a data breach notice and the agency to recover its costs for the freeze from the person who had the information involved in the breach. Specifies measure takes effect 91 days sine die.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

-2 Provides no charge for security freezes, thaws, or removal of security freeze in any circumstance. Modifies provisions of upselling prohibition. Specifies that entity who is in compliance with federal laws on data breach protection are considered in compliance with Oregon law, so long as federal law is at least as stringent and thorough as Oregon law.

**BACKGROUND:**

According to the Identity Theft Resource Center, there were 1,579 separate data breaches in 2017, with nearly 180 million individual records exposed. One breach reported in 2017 exposed the names, social security numbers, dates of birth, and in some cases, driver license numbers of 143 million Americans, with 209,000 individuals having their credit card numbers stolen. In response to that breach, a work group was formed to begin revising and updating Oregon's Consumer Identity Theft Protection Act.

Senate Bill 1551 is the initial product of that work group.