

HB 2866 -1, -2 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Gillian Fischer, Counsel

Meeting Dates: 3/12

WHAT THE MEASURE DOES:

Prohibits person from collecting, using, storing, analyzing, deriving inferences from, selling, leasing or otherwise transferring geolocation information or audiovisual data about resident individual without first obtaining express consent from resident individual and providing certain disclosures to resident individual identifying the data and anticipated use. Specifies exceptions for parents or guardians or law enforcement in certain circumstances. Requires person to make certain disclosures with respect to personal information based upon or derived from data that a resident individual generates in the course of using a digital electronic device, geolocation information and audiovisual data about resident individual at resident individual's request or at request of parent or legal guardian of resident individual or other person that resident individual authorizes to make request. Prohibits waiver of the requirements and protections set out in the Act by contract or agreement with resident individuals. Limits requests to once per 12-month period. Provides that person that fails to comply with provisions of Act engages in unlawful trade practice under Unlawful Trade Practices Act.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Expands the definition of resident individual to include anyone within the boundaries of Oregon. Amends definition of geolocation information by removing spatial location accuracy requirement of 1,500 feet or less. Prohibits binding arbitration clauses designating out of state adjudication forums. Prohibits price or service alterations intended to discourage a resident individual from enforcing or obtaining the protections provided in this Act.

-2 Limits the definition of audiovisual data to data created by the use and unattended use of the resident individual's digital electronic device.

Limits definition of geolocation information to information that a digital electronic device generates for the purpose of accurately identifying the actual spatial location of the digital electronic device

BACKGROUND:

According to a Pew Research survey, 91% of adults believe that consumers have lost control over how personal information is collected and used by companies. Many operators of commercial websites and online services collect personal information from Oregonians. This can include facts about a person's health, finances, location, politics, religion, sexual orientation, and shopping habits. Many operators share this information with third parties, including advertisers and data brokers. House Bill 2866 requires entities engaging in data collection to provide clear disclosures to and receive express consent from individuals about the breadth of collection and scope of use of the data they intend to collect. It prohibits companies from offering incentives to individuals who consent to the use of their data or penalties to those who do not.