



TECHNET
THE VOICE OF THE
INNOVATION ECONOMY

March 12, 2019

The Honorable Jennifer Williamson
Chair, House Judiciary Committee
Oregon House of Representatives

Re: HB 2688 – Consumer Privacy

Dear Chair Rep. Jennifer Williamson and members of the House Judiciary Committee:

TechNet is the national network of over eighty technology companies that promotes the growth of the innovation economy through bipartisan advocacy at the federal and state level in all fifty states. TechNet's diverse membership includes dynamic American businesses ranging from small startups to the most prominent global companies and represents more than three million employees in the fields of information technology, e-commerce, clean energy, gig and sharing economy, venture capital, and finance.

TechNet respectfully submits these comments in opposition to HB 2688 which would prohibit a person from collecting, using, storing, analyzing, deriving inferences from, selling, leasing or otherwise transferring geolocation information or audiovisual data about an individual without first obtaining express written consent. TechNet believes this legislation would unintentionally stifle Oregon's innovation economy and hinder the efforts of policymakers to establish the state as a growing technology hub.

As currently drafted, the legislation is vague and overly broad, and compliance for businesses would be difficult, if not impossible. It would impact major, national companies and small startups alike and would likely have significant negative unintended consequences for consumer privacy. One example is a closed-circuit television (CCTV) camera used for security in a store. Data captured by a CCTV would fall under the current overbroad definition of "audiovisual data." Would the legislature expect every person who enters a store to sign a written consent form?

Additionally, TechNet has serious concerns that creating this new standard of privacy and security for Oregon would make it extremely difficult for companies whose data crosses state lines. Having a state-to-state patchwork of varying obligations raises issues of inoperability with existing privacy law in other states.

It is our hope that Oregon will work to avoid creating a different consumer privacy regime in the state. We urge you to work with industry on a more feasible alternative that preserves individuals' trust and confidence in personal data protection while supporting flexibility and the free flow of information. Additionally, TechNet has concerns with inclusion of a private right of action which would likely result in costly litigation and class action law suits.

Thank you in advance for your consideration on this matter. TechNet looks forward to continuing to engage on this issue. Please do not hesitate to reach out if I may be able to provide you with additional information.

Sincerely,

/s/

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