

SHARIA MAYFIELD

April 8, 2019

Mr. Chairman and Members of the Committee:

My name is Sharia Mayfield. I am a lawyer in Oregon, but for today's hearing my important credential is that I teach Privacy Law at Willamette University College of Law. Additionally, for two years I advised Senator Ron Wyden on issues relating to privacy and national security.

I have reviewed HB 3152, and I have two significant privacy concerns in the event it becomes law. I caution the Committee against approving this bill without significant amendments.

First, HB 3152 would allow auto dealers to disclose proprietary personal data to third parties "for the dealer's own purposes." Auto dealers have a great deal of consumers' sensitive identifiable and financial data, including Social Security numbers, driver's license numbers and credit card numbers. The bill's language is extremely broad and would allow virtually endless disclosure of this valuable and proprietary consumer data.

Second, HB 3152 would potentially contravene the Privacy Rule of the Gramm Leach Bliley Act ("GLBA"). The GLBA Privacy Rule generally prohibits financial institutions, including auto dealers that are significantly engaged in financial services, from disclosing private consumer data to non-affiliate third parties without prior notice to the consumer and an opportunity to opt out. The GLBA Privacy Rule provides a balance between consumer privacy protection and financial institutions' (including auto dealers') business interests.

My initial conclusion is that HB 3152 gives broader authority to auto dealers to share sensitive and personally identifiable consumer information than what the GLBA allows. The term "dealer's own purposes" is vague and overbroad, and likely will lead to litigation against automobile dealers and parties with which they share information.

For those reasons, and others that I am happy to discuss if there is an opportunity, I caution against adoption of HB3152 without significant amendment.

/Sharia Mayfield
Sharia Mayfield