

# D R A F T

## SUMMARY

Establishes civil cause of action for improper disclosure of personal information.

### A BILL FOR AN ACT

Relating to disclosure of personal information.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. (1) As used in this section:**

(a) “Disclose” includes, but is not limited to, transfer, publish, distribute, exhibit, advertise and offer.

(b) “Personal information” means:

(A) The plaintiff’s home address, personal email address, personal phone number or social security number;

(B) Contact information for the plaintiff’s employer;

(C) Contact information for a family member of the plaintiff;

(D) Photographs of the plaintiff’s children; or

(E) Identification of the school that the plaintiff’s children attend.

(2) Except as provided in subsection (3) of this section, a plaintiff has a cause of action for improper disclosure of private information if the plaintiff establishes by a preponderance of the evidence that:

(a) The defendant, with the intent to harass, humiliate or injure the plaintiff, knowingly caused personal information to be disclosed;

(b) The defendant knew or reasonably should have known that the plaintiff did not consent to the disclosure;

(c) The plaintiff is harassed, humiliated or injured by the disclosure;

1 and

2 (d) A reasonable person would be harassed, humiliated or injured  
3 by the disclosure.

4 (3) A person may not bring a claim under this section for a disclo-  
5 sure of personal information:

6 (a) By a law enforcement agency that is investigating or prosecut-  
7 ing a crime;

8 (b) As part of a legitimate medical, scientific or educational activ-  
9 ity;

10 (c) As part of a legal proceeding, when disclosure is consistent with  
11 common practice in civil proceedings or necessary for the proper  
12 functioning of the criminal justice system;

13 (d) As part of a report of unlawful conduct to a law enforcement  
14 agency;

15 (e) When the personal information is publicly available information;  
16 or

17 (f) That serves a lawful public interest.

18 (4) A plaintiff who prevails in a claim under this section may re-  
19 cover:

20 (a) Economic and noneconomic damages, as those terms are defined  
21 in ORS 31.710;

22 (b) Punitive damages;

23 (c) Injunctive relief;

24 (d) Reasonable attorney fees; and

25 (e) Any other appropriate equitable relief.

26 (5) An action under this section must be commenced not later than  
27 two years after the conduct that gives rise to a claim for relief oc-  
28 curred.

29 SECTION 2. Section 1 of this 2021 Act applies to disclosures of per-  
30 sonal information occurring on or after the effective date of this 2021  
31 Act.

