

HB 3284 A -A4 STAFF MEASURE SUMMARY

Senate Committee On Judiciary and Ballot Measure 110 Implementation

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Meeting Dates: 5/6, 5/24

WHAT THE MEASURE DOES:

Prohibits covered entities from collecting, using, or disclosing a person's data related to exposure, infection, or other information related to COVID-19, without the individual's affirmative express consent. Requires a covered organization to destroy, delete, or render inaccessible any personal health data collected by the organization within thirty days of the expiration of the emergency period or 65 days after it is collected, received, or obtained. Allows use and retention of data that is aggregated, statistical analysis, compilations, or interpretations that do not allow personal identification of an individual. Requires public statement that covered organization will not attempt to personally identify individual except to attempt to verify that measures preventing verification of identity are effective. Limits the covered organizations to have only personal health data reasonably necessary to protect public health or to provide health care or related services. Requires covered organization to provide process for individual to correct inaccuracies and to revoke consent. Requires entities to adopt, implement, and provide individuals with clear, understandable, and conspicuous disclosures; to establish and implement safeguards on data security; and to prevent the use of personal health data for discriminatory purposes. Specifies content of disclosures. Requires covered organizations to report to Oregon Health Authority 30 days after Act takes effect and every 60 days thereafter until end of emergency on number of individuals for whom the covered organization has personal health data, the type of health data, and the persons to whom the data was sold, disclosed, or transferred. Prohibits collection, use, or disclosure of data for commercial advertising, recommendations or reviews related to electronic commerce, or training machine learning algorithms for use in advertising or commerce. Allows higher education entities and nonprofits to conduct research or develop COVID-19 related treatments, medications, or vaccinations otherwise allowed by law. Makes violation of Act an unlawful trade practice. Repeals sections of measure on use of data 270 days after end of emergency period. Makes unlawful trade practices provisions operative 270 days after end of emergency period. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A4 Removes whether an individual has received a vaccination against COVID-19 from definition of personal health data.

BACKGROUND:

Contact tracing during disease outbreaks is used as part of a case investigation to warn individuals of potential exposure and to prevent the spread of the disease by exposed individuals. Mobile contact tracing applications have been developed and used during the COVID-19 pandemic to trace the spread of the disease and to notify individuals when they may have been exposed to a person who tested positive for COVID-19.

House Bill 3284 A is the product of a Department of Justice work group to provide parameters on use of the data gathered by these apps. The focus of the measure is on providing protection for consumer data while maintaining the effectiveness of these tools for public health purposes.