



# The Oregon Consumer Privacy Act (OCPA)

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OREGON LEGISLATIVE DAYS

TUESDAY, SEPTEMBER 24, 2024

Presented by: Kristen Hilton, Senior Assistant Attorney General  
Katie Blevins, Privacy Analyst

# OCPA Enactment

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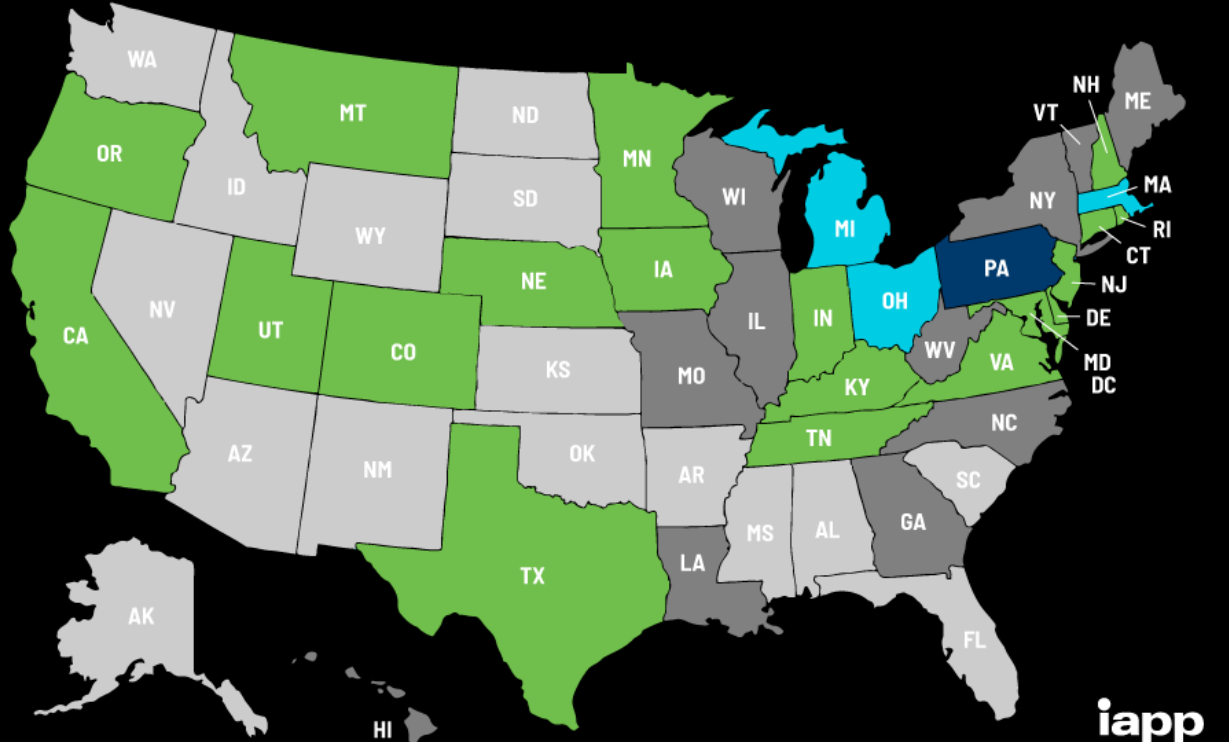
**Oregon Consumer Privacy Act (OCPA):** a comprehensive consumer privacy law giving rights to individual consumers to actively manage the personal and sensitive data companies keep about them

- Passed in 2023 (SB 619)
- Went into effect July 1, 2024
- Will go into effect for non-profits July 1, 2025
- Cure period in effect until January 1, 2026

# US State Privacy Legislation Tracker 2024

## Statute/bill in legislative process

- Introduced
- In committee
- In cross chamber
- In cross committee
- Passed
- Signed
- Inactive bills
- No comprehensive bills introduced



Last updated 22 July 2024

iapp

# Oregon vs. Other State Privacy Laws

AS OF JULY 2024, 19  
STATES HAVE PASSED  
COMPREHENSIVE DATA  
PRIVACY LAWS

Map courtesy of the International Association of Privacy Professionals (IAPP)

# The OCPA vs. Other State Privacy Laws

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- Oregon's statute was innovative in many ways:
  - Broader definition of "biometric data"
  - Expanded definition of "personal data"
  - New categories of sensitive data
  - Limited scope of entity-level exemptions
  - "Right to Know" specific third parties

# The OCPA vs. Other State Privacy Laws

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- Subsequent laws have strengthened:
  - Protections for children up to 17 years of age
  - Data minimization requirements
  - Limitations on collection and use of health-related information
  - Applicability thresholds

# Privacy Team

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1. Senior AAG- **Kristen Hilton, CIPP/US, CIPM**: Team Lead who heads many multi-states, and leads decisions on implementation and enforcement.

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2. AAG- **Jordan Paul**: Works on addressing both OCPA and data breach violations, participating in multi-states, and Oregon cases.

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3. Privacy Analyst- **Dr. Katie Blevins**: Works to implement the OCPA, address/research privacy policy issues, and conduct public outreach.

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4. Technologist- **Pending**: In process of hiring a technologist to conduct research and aid in enforcement activities, focusing on business practices and technologies involved.

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5. AAG- **Pending**

# Website for the OCPA

Contains the **Privacy Complaint Portal** (allows individuals to directly submit complaints about businesses) and resources for businesses and consumers (handouts, templates, FAQs).

## Consumer Privacy

### Oregon Consumer Privacy Law

As **announced** on June 23, 2023, the Oregon Legislature passed **Senate Bill 619 »**, a consumer privacy law (the “Oregon Consumer Privacy Act” or “the law”). Senate Bill 619 was developed by the Attorney General’s Consumer Privacy Task Force working with 150 consumer privacy experts and stakeholders to answer the call for comprehensive consumer privacy legislation. The Oregon Consumer Privacy Act (OCPA), **ORS 646A.570-646A.589 »**, was signed into law by Governor Kotek and takes effect on July 1, 2024.

**Press Release: Oregonians Gain Significant New Consumer Privacy Protections »**

### Talk to Us

Believe your privacy rights have been violated? Had a problem trying to request your privacy rights from a business?

Tell us about it by submitting a complaint.

**COMPLAINT FORM**

If you have any questions, or aren’t sure if your complaint is OCPA related, call the DOJ Consumer Hotline at **1-877-877-9392**.

<https://www.doj.state.or.us/consumer-protection/id-theft-data-breaches/privacy/>

Or Google “Oregon privacy”

# Outreach & Education

**FAQs** – The Department of Justice has put together Frequently Asked Questions (FAQs) for consumers and businesses to help prepare for the privacy law.

- [FAQs for Businesses](#)
- [FAQs for Consumers](#)

**Educational Handouts** – The Department of Justice has put together some educational handouts targeted at both consumers and businesses to help them understand how this new privacy law works.

- [Consumer Handout](#)
- [Consumer L.O.C.K.E.D. Handout](#)
- [Business Handout](#)

**Templates & Checklists** – The Department of Justice has also put together some checklists for businesses to simplify/help them streamline compliance with the OCPA. Additionally, the DOJ has prepared some templates for consumers to use when they are reaching out directly to a business to request their privacy rights.

## **For Consumers**

- [Template Letter for Consumers to Send to Businesses](#)

## **For Businesses**

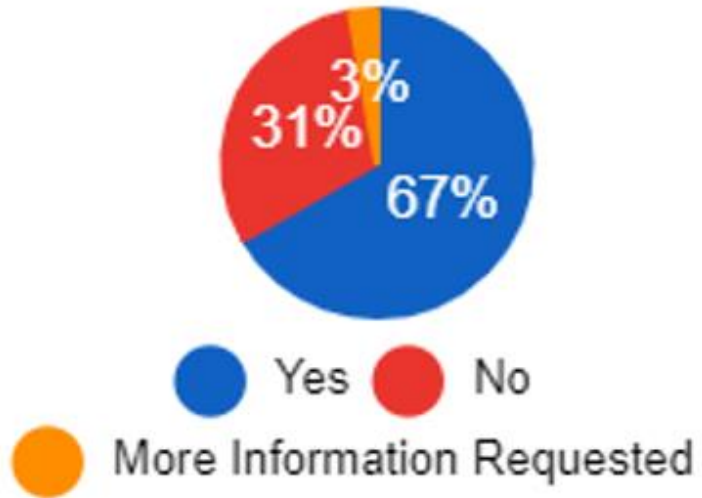
- [Data Protection Assessment Guidelines](#)



Total Submissions

39

OCPA Related

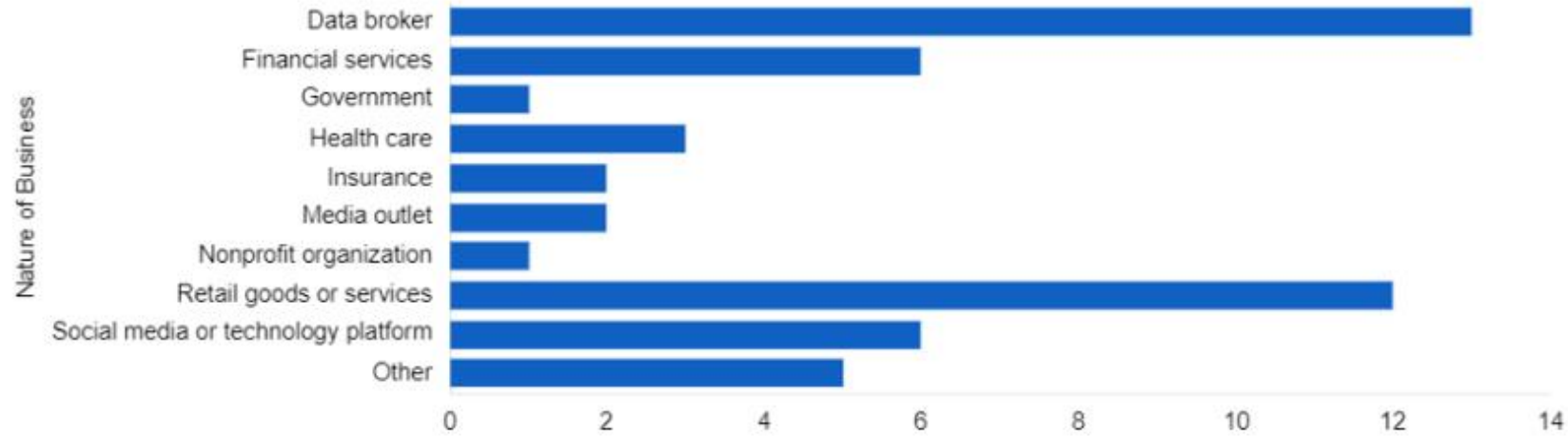


# Privacy Portal Data

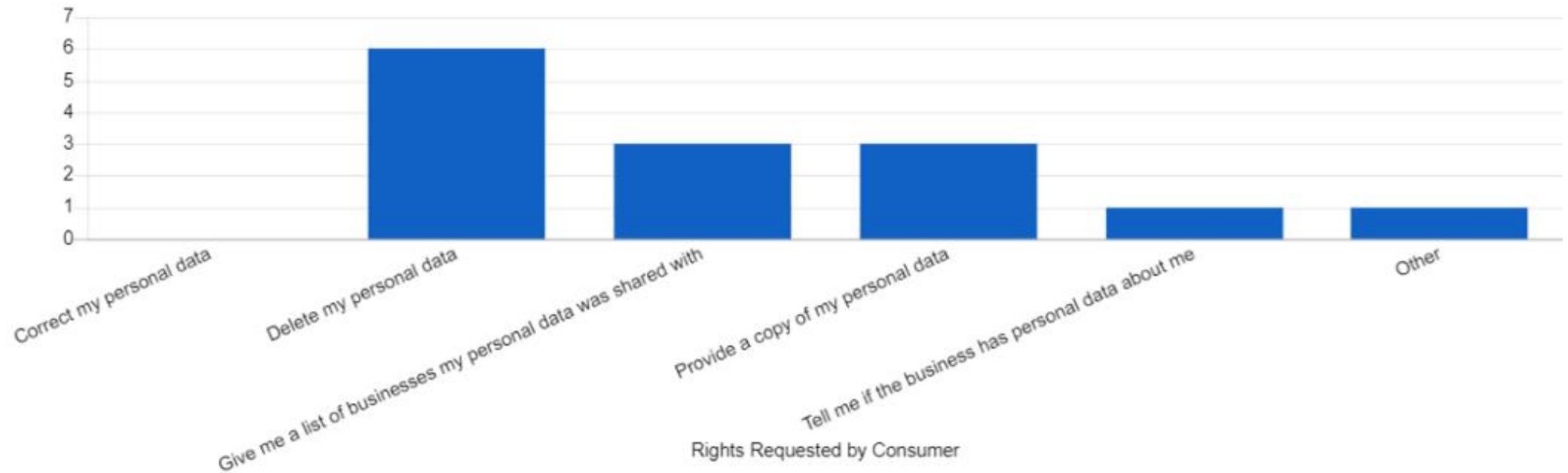
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\* NUMBERS CURRENT THROUGH  
SEPTEMBER 18

### Nature of Business



### Privacy Rights Requested



Rights Requested by Consumer

# Enforcement

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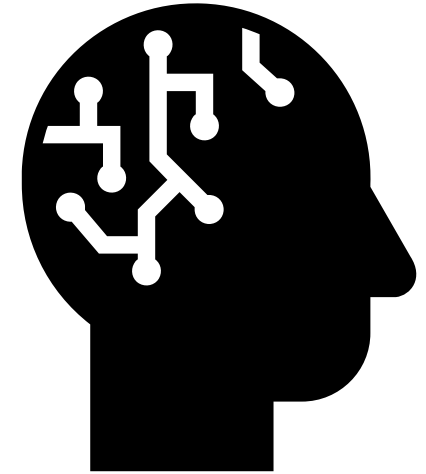
- Cure period until Jan. 1, 2026
  - Discretionary
  - Can a problem be cured?
    - Privacy notice outdated
    - Technical issues with addressing privacy rights, etc.
- Sometimes an inquiry letter is sent for additional information
- If something cannot be cured, then we can move directly to a formal investigation/enforcement process
  - If a business does not cure an identified issue, we can also then move to investigation/enforcement

# Outreach & Education: Consumers

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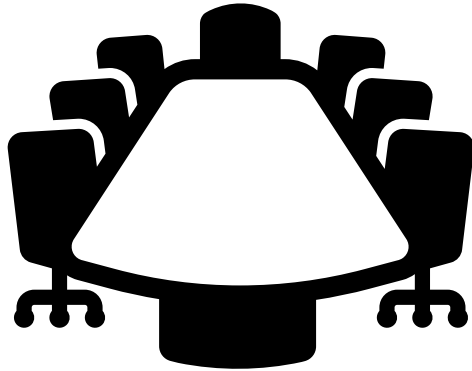
The OCPA does not work unless consumers 1.) know about their privacy rights, 2.) know how to request them, 3.) can report to us when specific businesses are deficient.

- next six months: mix of public speaking/outreach engagements, and research/marketing tactics



# Outreach & Education: Businesses, Non-Profits & Attorneys

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We have also conducted outreach to businesses, non-profits, and attorneys impacted

- Education letters to Oregon trade/business associations
  - Education letters to relevant Oregon bar attorney groups
- Overviews and trainings on implementing the OCPA and new legal obligations

Outreach:  
Recent &  
Upcoming\*  
(2023-2024)

- Multnomah Bar Association lunch CLE
- Privacy Lawyers Summit in Los Angeles
- state privacy law enforcement panel at the IAPP's Global Privacy Summit in Washington, D.C.
- Portland chapter of the ISACA (International Systems Audit and Control Association)
- Oregon State Fair
- PDX Privacy/TA3M Webinar
- Non-Profit Association of Oregon Webinar
- EdTech Webinar\*
- PDX Digital Safety Fair\*
- OSB Consumer Law section lunch CLE\*

# Education

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DOJ has contracted with a marketing firm to conduct consumer research and create content for web/social media to educate Oregon consumers.

- Conducting a survey of Oregonians
- Understanding & attitudes about privacy and the OCPA
- Will tailor education messaging based-off survey results





# Questions?



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THANK YOU FOR YOUR SUPPORT!

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