

SB 619 A BUDGET REPORT and MEASURE SUMMARY

Joint Committee On Ways and Means

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Reviewed By: John Borden, Legislative Fiscal Office

**Department of Justice
2023-25**

PRELIMINARY

Budget Summary*

	2021-23 Legislatively Approved Budget ⁽¹⁾	2023-25 Current Service Level	2023-25 Committee Recommendation	Committee Change from 2021-23 Leg. Approved	
				\$ Change	% Change
Other Funds Limited	\$ -	\$ -	\$ 1,780,729	\$ 1,780,729	100.0%
Total	\$ -	\$ -	\$ 1,780,729	\$ 1,780,729	100.0%

Position Summary

Authorized Positions	0	0	5	5
Full-time Equivalent (FTE) positions	0.00	0.00	3.38	3.38

Summary of Revenue Changes

The measure expands the allowable use of the Protection and Education (P&E) Revolving Account to include the costs borne by Department of Justice (DOJ) to investigate and enforce violations under the measure. The Attorney General is directed to deposit the proceeds of any recovery from the measure into the P&E Revolving Account.

Under current law, the P&E Revolving Account, established in ORS 180.095, receives funding through legal settlements from various case types and provides the funding for other enforcement activities, including the Unlawful Trade Practices Act, False Claims Act, Anti-Trust Act, and other general legal recoveries of the state.

Summary of Public Safety Subcommittee Action

The Subcommittee recommended a budget of \$1,780,729 Other Funds expenditure limitation and authorized the established of five permanent full-time positions (3.38 FTE) for the DOJ Civil Enforcement Division. The position include three Senior Assistant Attorney General (2.00 FTE), one Information Systems Specialist 6 (0.63 FTE), and one Program Analyst 3 (0.75 FTE). Funding in the amount of \$647,745 is provided for Services and Supplies, of which \$324,845 is for contracts with outside experts. DOJ expenses will be charged directly to the P&E Revolving Account (i.e., non-hourly billing rate).

Senate Bill 619 creates rights and regulations related to the collection of personal data by any person conducting business in Oregon or providing products or services to residents of this state, who also, during a calendar year, either control or process:

- (a) the personal data of 100,000 or more consumers, or

(b) the personal data of 25,000 customers and derive 25 percent or more of their annual gross revenue from selling personal data.

The measure details several exclusions to the application of these regulations, including but not limited to, personal data transferred exclusively for the purpose of processing payment transactions and health-related data collected and processed in accordance with the Health Insurance Portability and Accountability Act (HIPAA) of 1996.

Starting July 1, 2024, companies, or individuals subject to this measure are limited in how personal data is processed and must conduct and document data protection assessments for all data processing activities considered to be of a heightened risk of harm to a consumer.

Consumers also gain new rights to personal data privacy, including the ability to obtain from a company's controller:

- Confirmation on whether their personal data has been processed,
- A List of categories of personal data processed,
- A list of specific third parties to which the data has been disclosed, and
- A copy of all the personal data processed.

Additionally, a consumer has the right to correct inaccurate personal data, require a controller to delete their personal data (including data obtained from other sources), and opt out from a controller's processing of personal data for the purpose of targeted advertising, sale or profiling the consumer in furtherance of decisions that produce legal effects or effects of similar significance.

The Attorney General is authorized to investigate and seek a civil penalty of up to \$7,500 for each violation of this measure or obtain other equitable relief. The action shall be brought in the circuit court for Multnomah County or any other circuit court in which part of the violation occurred.

PRELIMINARY

DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

Department of Justice
 Wendy Gibson -- 971-900-9992

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
<u>SUBCOMMITTEE ADJUSTMENTS</u>									
SCR 13700-030 - Civil Enforcement									
Personal Services	\$ -	\$ -	\$ 1,057,379	\$ -	\$ -	\$ -	\$ 1,057,379	5	3.38
Services and Supplies	\$ -	\$ -	\$ 723,350	\$ -	\$ -	\$ -	\$ 723,350		
TOTAL ADJUSTMENTS	\$ -	\$ -	\$ 1,780,729	\$ -	\$ -	\$ -	\$ 1,780,729	5	3.38
SUBCOMMITTEE RECOMMENDATION	\$ -	\$ -	\$ 1,780,729	\$ -	\$ -	\$ -	\$ 1,780,729	5	3.38

PRELIMINARY