

## HB 2052 A STAFF MEASURE SUMMARY

### House Committee On Business and Labor

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**Action Date:** 02/06/23

**Action:** Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)

**Vote:** 10-1-0-0

**Yeas:** 10 - Elmer, Grayber, Holvey, Hudson, Nelson, Nosse, Osborne, Owens, Scharf, Sosa

**Nays:** 1 - Boshart Davis

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

**Prepared By:** Erin Seiler, LPRO Analyst

**Meeting Dates:** 1/18, 2/6

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#### WHAT THE MEASURE DOES:

Provides that data broker may not collect, sell or license brokered personal data within Oregon unless data broker first registers with Department of Consumer and Business Services. Specifies form, method and contents of application. Specifies exemptions. Provides civil penalty in amount not to exceed \$500 for each violation of Act or, for continuing violation, for each day in which violation continues. Caps amount of civil penalty at \$10,000 in calendar year. Declares emergency, effective on passage

#### ISSUES DISCUSSED:

- Work of the Attorney General's Consumer Privacy Task Force
- Business practices of data brokers
- Privacy implications of the sale of personal information
- Current state and federal regulatory models related to data brokers and data privacy
- Exemptions from data broker registration requirements
- Types of information that is sold by data brokers
- Exemption for government entities

#### EFFECT OF AMENDMENT:

Adds definition of "license." Adds "public corporations" to government exemption. Align exemption language with federal Fair Credit Reporting Act and Gramm-Leachy Bliley Act language.

#### BACKGROUND:

Internet-enabled devices, sometimes called "smart devices," gather and share personal information. Smart devices include mobile phones, tablets, computers, televisions, fitness trackers, and even some common household appliances like refrigerators and thermostats. These devices collect and share a wide range of personal information, including browser history, phone and email contacts, location, personal health, and conversations.

Manufacturers may provide platforms that facilitate access to this information by applications, or directly share the information gathered by these smart devices with data brokers, entities that purchase and sell personal information. Information sold to a data broker may contain specific personally identifiable and sensitive details. People are often unaware of whether their personal information is sold to a broker, and if so, what information is included.

House Bill 2052 A requires data brokers handling the personal information of Oregonians to register annually with the Department of Consumer and Business Services, who must make the information of all registrants available to the public on the agency's website.