

March 9, 2023

Senate Commission on Judiciary
Oregon State Senate
900 Court St. NE
Salem, OR 97301

RE: Testimony in support of SB619 — Oregon Consumer Privacy Act

Attorney General Rosenblum, Chair Prozanski, Vice-Chair Thatcher, and Committee Members:

Thank you for your work in creating legislation to protect the privacy and personal information of Oregonians and for the opportunity to submit testimony on SB619.

Currently, consumers throughout Oregon have very limited knowledge regarding what information is collected about them, how it is used, shared, and/or repurposed, and whether it is ever deleted. SB619 is a great step forward in bringing transparency to Oregon's residents and in helping them to control their data and protect their privacy.

Specifically, the rights to know what information is collected, to correct inaccurate data, to have personal data deleted, and to opt out of collection, plus the requirement for data portability are all important provisions of the bill.

A few other beneficial aspects:

- that inaction by the consumer does not constitute consent
- the inclusion of devices as well as persons when considering consumer identifiability
- the ability of consumers to opt out of data profiling, targeting, and sale of their data
- the requirements for nondiscrimination when consumers exercise their rights

I also appreciate the heightened protections of opt-in consent for sensitive data such as details related to health, race, ethnicity, and other mental and physical states as well as the protection of genetic, biometric, and location information. Sensitive data should only be collected after a consumer opts-in to approve collection.

Also, a public right of action is an essential element that provides consumers recourse against companies that have violated their rights.

The bill is not perfect, and some areas I'd like to see improved are...

- include an opt-in model for all data collection, or at least a universal opt-out, that applies to all data sharing by companies, not just sales of data
- only permit collection of data necessary to fulfill a consumer's requested transaction
- removal of the cure time, which could serve as a workaround for violations
- monetary compensation, in addition to the injunctive relief and costs, for those harmed by violations

While SB619 is a valuable step towards ensuring privacy rights and protections for Oregonians, I urge you to strengthen the bill further and pass it during the current legislative session. Thank you for your work, and please continue your focus on privacy moving forward.

Sincerely,
Chris Bushick