

Requested by Representative CHOTZEN

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2008**

1 In line 2 of the printed bill, after “protection” insert “; amending ORS  
2 646A.578”.

3 Delete lines 4 through 8 and insert:

4 **“SECTION 1.** ORS 646A.578, as amended by section 12, chapter 369,  
5 Oregon Laws 2023, is amended to read:

6 “646A.578. (1) A controller shall:

7 “(a) Specify in the privacy notice described in subsection (4) of this sec-  
8 tion the express purposes for which the controller is collecting and process-  
9 ing personal data;

10 “(b) Limit the controller’s collection of personal data to only the personal  
11 data that is adequate, relevant and reasonably necessary to serve the pur-  
12 poses the controller specified in paragraph (a) of this subsection;

13 “(c) Establish, implement and maintain for personal data the same safe-  
14 guards described in ORS 646A.622 that are required for protecting personal  
15 information, as defined in ORS 646A.602, such that the controller’s safe-  
16 guards protect the confidentiality, integrity and accessibility of the personal  
17 data to the extent appropriate for the volume and nature of the personal  
18 data; and

19 “(d) Provide an effective means by which a consumer may revoke consent  
20 a consumer gave under ORS 646A.570 to 646A.589 to the controller’s pro-  
21 cessing of the consumer’s personal data. The means must be at least as easy

1 as the means by which the consumer provided consent. Once the consumer  
2 revokes consent, the controller shall cease processing the personal data as  
3 soon as is practicable, but not later than 15 days after receiving the revo-  
4 cation.

5 “(2) A controller may not:

6 “(a) Process personal data for purposes that are not reasonably necessary  
7 for and compatible with the purposes the controller specified in subsection  
8 (1)(a) of this section, unless the controller obtains the consumer’s consent;

9 “(b) Process sensitive data about a consumer without first obtaining the  
10 consumer’s consent or, if the controller knows the consumer is a child,  
11 without processing the sensitive data in accordance with the Children’s On-  
12 line Privacy Protection Act of 1998, 15 U.S.C. 6501 et seq. and the regu-  
13 lations, rules and guidance adopted under the Act, all as in effect on January  
14 1, 2024;

15 “(c) Process a consumer’s personal data for the purposes of targeted  
16 advertising[,] **or** of profiling the consumer in furtherance of decisions that  
17 produce legal effects or effects of similar significance [*or of selling the*  
18 *consumer’s personal data without the consumer’s consent*] if the controller has  
19 actual knowledge that, or willfully disregards whether, the consumer is [*at*  
20 *least 13 years of age and not older than 15 years of age; or*] **under 16 years**  
21 **of age;**

22 “(d) **Sell personal data that:**

23 “(A) **Pertains to a consumer if the controller has actual knowledge**  
24 **that, or willfully disregards whether, the consumer is under 16 years**  
25 **of age; or**

26 “(B) **Accurately identifies within a radius of 1,750 feet a consumer’s**  
27 **present or past location, or the present or past location of a device**  
28 **that links or is linkable to a consumer by means of technology that**  
29 **includes, but is not limited to, a global positioning system that pro-**  
30 **vides latitude and longitude coordinates; or**

1       “[(d)] (e) Discriminate against a consumer that exercises a right provided  
2 to the consumer under ORS 646A.570 to 646A.589 by means such as denying  
3 goods or services, charging different prices or rates for goods or services or  
4 providing a different level of quality or selection of goods or services to the  
5 consumer.

6       “(3) Subsections (1) and (2) of this section do not:

7       “(a) Require a controller to provide a good or service that requires per-  
8 sonal data from a consumer that the controller does not collect or maintain;  
9 or

10       “(b) Prohibit a controller from offering a different price, rate, level of  
11 quality or selection of goods or services to a consumer, including an offer  
12 for no fee or charge, in connection with a consumer’s voluntary participation  
13 in a bona fide loyalty, rewards, premium features, discount or club card  
14 program.

15       “(4) A controller shall provide to consumers a reasonably accessible, clear  
16 and meaningful privacy notice that:

17       “(a) Lists the categories of personal data, including the categories of  
18 sensitive data, that the controller processes;

19       “(b) Describes the controller’s purposes for processing the personal data;

20       “(c) Describes how a consumer may exercise the consumer’s rights under  
21 ORS 646A.570 to 646A.589, including how a consumer may appeal a  
22 controller’s denial of a consumer’s request under ORS 646A.576;

23       “(d) Lists all categories of personal data, including the categories of sen-  
24 sitive data, that the controller shares with third parties;

25       “(e) Describes all categories of third parties with which the controller  
26 shares personal data at a level of detail that enables the consumer to un-  
27 derstand what type of entity each third party is and, to the extent possible,  
28 how each third party may process personal data;

29       “(f) Specifies an electronic mail address or other online method by which  
30 a consumer can contact the controller that the controller actively monitors;

1 “(g) Identifies the controller, including any business name under which  
2 the controller registered with the Secretary of State and any assumed busi-  
3 ness name that the controller uses in this state;

4 “(h) Provides a clear and conspicuous description of any processing of  
5 personal data in which the controller engages for the purpose of targeted  
6 advertising or for the purpose of profiling the consumer in furtherance of  
7 decisions that produce legal effects or effects of similar significance, and a  
8 procedure by which the consumer may opt out of this type of processing; and

9 “(i) Describes the method or methods the controller has established for a  
10 consumer to submit a request under ORS 646A.576 (1).

11 “(5) The method or methods described in subsection (4)(i) of this section  
12 for submitting a consumer’s request to a controller must:

13 “(a) Take into account:

14 “(A) Ways in which consumers normally interact with the controller;

15 “(B) A need for security and reliability in communications related to the  
16 request; and

17 “(C) The controller’s ability to authenticate the identity of the consumer  
18 that makes the request;

19 “(b) Provide a clear and conspicuous link to a webpage where the con-  
20 sumer or an authorized agent may opt out from a controller’s processing of  
21 the consumer’s personal data as described in ORS 646A.574 (1)(d) or, solely  
22 if the controller does not have a capacity needed for linking to a webpage,  
23 provide another method the consumer can use to opt out; and

24 “(c) Allow a consumer or authorized agent to send a signal to the con-  
25 troller that indicates the consumer’s preference to opt out of the sale of  
26 personal data or targeted advertising under ORS 646A.574 (1)(d) by means  
27 of a platform, technology or mechanism that:

28 “(A) Does not unfairly disadvantage another controller;

29 “(B) Does not use a default setting but instead requires the consumer or  
30 authorized agent to make an affirmative, voluntary and unambiguous choice

1 to opt out;

2 “(C) Is consumer friendly and easy for an average consumer to use;

3 “(D) Is as consistent as possible with similar platforms, technologies or  
4 mechanisms required under federal or state laws or regulations; and

5 “(E) Enables the controller to accurately determine whether the consumer  
6 is a resident of this state and has made a legitimate request under ORS  
7 646A.576 to opt out as described in ORS 646A.574 (1)(d).

8 “(6) If a consumer or authorized agent uses a method described in sub-  
9 section (5) of this section to opt out of a controller’s processing of the  
10 consumer’s personal data under ORS 646A.574 (1)(d) and the decision con-  
11 flicts with a consumer’s voluntary participation in a bona fide reward, club  
12 card or loyalty program or a program that provides premium features or  
13 discounts in return for the consumer’s consent to the controller’s processing  
14 of the consumer’s personal data, the controller may either comply with the  
15 request to opt out or notify the consumer of the conflict and ask the con-  
16 sumer to affirm that the consumer intends to withdraw from the bona fide  
17 reward, club card or loyalty program or the program that provides premium  
18 features or discounts. If the consumer affirms that the consumer intends to  
19 withdraw, the controller shall comply with the request to opt out.”.

20

---