

February 26, 2019



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Oregon Progressive Party Position on Bill at 2019 Session of Oregon Legislature:

SB 684: Support, with Amendment

Dear Committee:

The Oregon Progressive Party supports this bill, which specifies requirements for covered entities that own, license, maintain, store, manage, collect, process, acquire or otherwise possess personal information, and for vendors that provide services to covered entities, to notify consumers of breach of security.

But this bill and current law have a massive loophole:

8) Notwithstanding subsection (1) of this section, a [person] covered entity does not need to notify consumers of a breach of security if, after an appropriate investigation or after consultation with relevant federal, state or local law enforcement agencies, the [person] covered entity reasonably determines that the consumers whose personal information was subject to the breach of security are unlikely to suffer harm. The [person] covered entity must document the determination in writing and maintain the documentation for at least five years.

This allows the company that had the data breach determine, by itself, that consumers "are unlikely to suffer harm" from the breach and then not notify consumers about the breach at all. This eviscerates the rest of the statute and makes it utterly meaningless and a sham and fraud on the consumers and the public. This subsection must be removed from the law.

Oregon Progressive Party

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