

OREGON'S NEW PRIVACY LAW

What your business needs to know to comply with the law.



OREGON'S CONSUMER PRIVACY LAW

Goes into effect July 1, 2024
(2025 for non-profits)

Attorney General Ellen Rosenblum

The **Oregon Consumer Privacy Act** gives individual consumers control over personal data about them. Under the law, they can keep their data **L.O.C.K.E.D.** This allows them to request a **List** of entities you sold their data too (ex: data brokers). They can **Opt-out** (say "no") to your business selling, profiling, and using targeted advertising with their personal information. They can get a **Copy** of the personal and sensitive data your business has about them. They can **Know** what information your business has collected about them. They can **Edit** any inaccuracies in the data about them. Finally, they can request that your business **Deletes** personal and sensitive information that they have on the requesting individual.

Does my business have to comply?

The law only applies to certain businesses. It does not apply to federal, state, or local government. Qualifying private businesses have 1) be physically located in Oregon, **OR** be outside of Oregon but sell their goods/services to Oregon residents, **AND** 2) collect/use 100,000+ Oregonian's data, **OR** have 25,000 Oregonian's data and at least 25% of the business's gross revenue comes from selling* data. It is your company's legal responsibility to understand if your business must comply with OCPA.

**What is a sale? A "sale" could be a straight up exchange of money for customer's personal data, but it could also be gained "value," such as the exchange of a customer list with another business or non-profit.*



What is personal data?

Generally, any data that *reveals information about a specific person*, is considered "**personal data.**" This could be a name, email address, home address, ISP, etc. Data that *reveals private information about a specific person*, such as their race, ethnicity, religion, mental or physical health, sexuality, citizenship or immigration status, status as transgender or nonbinary, status as a crime victim, genetic or biometric data, or location data, is "**sensitive data.**"

(Any data about children under 13 is also sensitive data.)

This law does **not** restrict what is called "**deidentified data,**" which is data that cannot be linked to individual consumers.



What does my company have to do?

So, my company qualifies, now what? The two main things your company has to do is create a publicly available privacy notice, and create an internal system to respond to requests for personal data from your consumers.

- **Privacy Notice:** Your company must publicly post a privacy notice, describing why your company is collecting personal data. It must not collect data that is not relevant or reasonably necessary to your company. Finally, your company must consider and implement minimum safeguard for protecting any personal information. (The more sensitive the data, the more restrictive the safeguards needed.)
- **Responding to Rights Requests:** In addition, the privacy notice must provide a way for consumer to revoke consent to data collection and provide a way for consumers to contact your business to invoke any of their other L.O.C.K.E.D. rights.