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Internet Association



# Vote NO on HB 2866

**Not ready for prime time:** Imposes unintended negative privacy consequences on consumers and innovators.

## **HB 2866: Drafted Without Stakeholder Input**

Oregon has a long history of adopting strong privacy laws that are developed in collaboration with all stakeholders at the table. For example, two privacy bills before the 2019 Oregon Legislature (Databreach and IOT) were under discussion for the past year in interim workgroups. Hundreds of hours have been spent considering how these bills meaningfully benefit consumers with strong protections and rights while ensuring operational and workable for companies across all sectors of the State's economy. As drafted, this overreaching proposal is likely to have significant negative unintended consequences for privacy.

## **HB 2866: Unintended Negative Privacy Consequences**

HB 2866 creates restrictions on the use of common technologies that enhance home and business security, enable new services for users, and would damage incentives for entrepreneurs and innovators to introduce new products to Oregonians.

- The requirements of the access requests incentivize businesses to collect and associate more personal information with an individual, which is anti-privacy.
- If a local candidate records a campaign rally, it must first get consent of everyone recorded.
- If a TV news crew films the Portland marathon, it must get consent from everyone on camera.
- The definitions are so broad that they create significant unintended consequences that are neither pro-consumer privacy, nor reflective of cybersecurity best practices.

## **HB 2866: Definitional & Operational Problems**

- Under the definition of person, audiovisual data and geolocation information, an individual could find themselves having to provide consent to 10 different stores during one trip to the mall - every time they enter the store with a camera, if they check-in on Facebook or twitter, or use a credit card.
- As drafted, this bill would require such a lengthy notice for consumers that it would be impossible to read and understand on a mobile device's screen – a key feature necessary for users.
- Under the bill, any business that uses a security camera would have to first gain consent from anyone who is filmed, including a burglar or shoplifter.
- The bill also creates a costly system of enforcement through a new private right of action under the Unlawful Trade Practices Act