



Sarah M. Ohs  
Director of Government Relations  
[sohs@cdiaonline.org](mailto:sohs@cdiaonline.org)  
(202) 408-7404

Consumer Data Industry Association  
1090 Vermont Ave., NW, Suite 200  
Washington, D.C. 20005-4905

September 11, 2023

[WWW.CDIAONLINE.ORG](http://WWW.CDIAONLINE.ORG)

Karen Winkel  
Rules Coordinator  
DCBS Division of Financial Regulation  
P.O. Box 14480  
Salem, OR 97309-0405

***RE: Comments on Data Broker Registry Proposed Rules 441-830-0010 to 441-830-0130***

I write on behalf of the Consumer Data Industry Association (CDIA), we are the voice of the consumer reporting industry, representing consumer reporting agencies including the nationwide credit bureaus, regional and specialized credit bureaus, background check companies, and others. Founded in 1906, CDIA promotes the responsible use of consumer data to help consumers achieve their financial goals, and to help businesses, governments and volunteer organizations avoid fraud and manage risk. Through data and analytics, CDIA members empower economic opportunity, helping ensure fair and safe transactions for consumers, facilitating competition and expanding consumers' access to financial and other products suited to their unique needs.

HB 2052 was a collaborative effort between an extensive group of stakeholders over several years with the Oregon Attorney General's Consumer Privacy Task Force. Each aspect of the legislation was thoroughly considered by all stakeholders creating the final measure that passed. The intention of the bill was to create a registry for transparency purposes, to give consumers more knowledge on their data. It requires data companies without a direct relationship to the consumer, to provide specific information to the state in order to be registered. At no time were there discussions of investigative authority or the right to terminate a company from the registry. Compliance is based upon self-identifying, providing the required information and paying the fee to register. Registration does not create a broad authority to regulate a data broker, it is intended to inform consumers on the types of companies that were collecting data. It is with this in mind that we respectfully ask that the draft rules adhere to the scope that is clearly outlined in the legislation. We submit the following comments for consideration:

**Language for Review:**

***441-830-0070 Disclosure of Significant Developments***

- (1) A data broker registrant must notify the director within 10 days following the occurrence of any of the following significant developments:
  - (b) A data breach;
  - (c) *The data broker registrant receives notice of a final order issued in this or another state that: (A) Demands that the data broker registrant cease and desist from any act;*

*(B) Suspends or revokes a license or registration; or  
(C) Constitutes any other formal or informal regulatory action against the data broker registrant.*

**Comment:** Oregon has an existing data breach notification statute which conflicts with this 10-day requirement for data brokers. There is nothing inherently different with regards to the data that a data broker is using from other industries collecting the same data. It should be noted that the term “data broker” is an arbitrarily defined term that carves out the largest data aggregators using the same data in the same way. Therefore, a data broker is already required to comply with the existing data breach notification statute. Given that the bill did not address data breach notification, compliance with Oregon’s existing data breach notification laws should be sufficient. The additional information that is being requested from a data broker in this section goes beyond any discussions on requirements of data brokers and seems out of scope of the measure.

***441-830-01100 Investigation and examinations by director***

- (2) For purposes of subsection (1) of this section:
  - (a) A person registered or required to be registered under this chapter shall give the director free access to the person’s place of business, books, accounts, safes and vaults.

**Comment:** HB 2052 did not grant investigative powers over registered data brokers. The bill required declared data brokers to register with the state. Once a company has provided the necessary documentation and data outlined in the measure along with the fees, they have fulfilled the registration requirements. There is no authorized purpose once a data broker has registered with the state, that allows a director “...to examine the business, books, accounts, safes or vaults.” There is no authority to investigate once an entity is a registered data broker. The only purpose where this might be applicable is the authority to determine whether a company is subject to the registration requirement. Therefore, this language seems a step beyond the intention of the legislation.

***441-830-0110 Termination or suspension of data broker registration***

- (1) Data broker registration may be terminated or suspended based on any of the following:
  - a. Failure to respond to a director’s inquiry of data
  - b. Failure to cooperate during an investigation or examination

**Comment:** There is no statutory authority to terminate a registration for data brokers. The law says the department “may approve and renew a registration...and may, by rule conform the practices” but it does not create a new regulatory framework for registered data brokers. The only area where termination may apply is if a data broker failed to update information.

Thank you for the consideration of our comments.

Sincerely,

A handwritten signature in blue ink that reads "Sarah M. Ohs". The signature is fluid and cursive, with a large initial "S" and a long, sweeping underline.

Sarah M. Ohs

*Director of Government Relations*