TECHNET
THE VOICE OF THE
INNOVATION ECONOMY

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September 11, 2023

Division of Financial Regulation
350 Winter Street N.E.
PO BOX 11480
Salem, OR 97309

Re: 2023 House Bill 2052 – Data Brokers Registry – RAC 1

Dear Mr. Badege,

We at TechNet appreciate the opportunity to provide formal feedback on the Data Brokers Registry rulemaking process. Our comments are included below.

The chaptered language of House Bill 2052 was carefully crafted after months of input from stakeholders who participated in the Oregon Attorney General's Consumer Privacy Task Force. Therefore, we ask that the proposed implementation rules stay within the measure's scope. As such, we offer the following comments for your consideration:

441-830-0060: Rules for Use of an Assumed Business Name
We need more clarity on the trade name requirement to fully understand this provision.

(b) The data broker must list the name as any other trade names in the application.

441-830-0070: Disclosure of Significant Developments
We respectfully request alignment with Oregon's existing data breach notification statute concerning the "Disclosure of Significant Developments" section. Since the underlying bill does not address data breach notification, compliance with Oregon's existing data breach requirements should be sufficient.

Section 441-830-0110: Termination or Suspension of Data Broker Registration
We also request Section 441-830-0110 be significantly narrowed. The underlying bill limits the department to only adopting rules <u>necessary</u> for implementing Section 1.

(1) A data broker must notify the director within 10 days following the occurrence of any of the following significant developments:

(b) A data breach

441-830-0110 Termination or suspension of data broker registration
Further, the bill plainly states if a data broker complies with the requirements outlined in Subsection (3), the department <u>shall</u> approve the registration. Therefore, the termination or suspension of data broker registration should only occur if they fail to provide the required information under Subsection (3). As previously mentioned, if the information is provided, the bill language states that the registration must be approved.

(1) Data broker registration may be terminated or suspended based on any of the following:
a. Failure to respond to a director's inquiry for data *required by Subsection 3 of [include official legal citation for Oregon law as result of passage of HB 2052].*
b. Failure to cooperate during an investigation or examination
c. Failure to pay any fees invoiced by the director *required by Subsection 3 of [include an official legal citation for Oregon law as a result of passage of HB 2052].*
d. Engaged in dishonest, fraudulent or illegal practices or conduct in a business *[This section needs a legal citation to a violation of Oregon law. Otherwise, the language could be open to broad interpretation, especially with the inclusion of "dishonest"].*
e. Any violation of the statute or rule in OAR: 441-830-0010 to 441-830-0130
f. The data broker registrant receives notice of a final order issued in this or another
state that:
i. Demands that the data broker registrant cease and desist from any act;
ii. Suspends or revokes a license or registration; or
iii. Constitutes any other formal or informal regulatory action against the data broker registrant;

Please don't hesitate to reach out if I can further assist or answer any questions.

Respectfully,

Ashley Sutton
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