

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE  
SECRETARY OF STATE

CHERYL MYERS  
DEPUTY SECRETARY OF STATE  
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

---

**PERMANENT ADMINISTRATIVE ORDER**

**FSR 3-2024**

CHAPTER 441

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

FINANCE AND SECURITIES REGULATION

**FILED**

05/21/2024 2:40 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

---

FILING CAPTION: Adopts rules from HB 2052 (2023) establishing a data brokers registry within DCBS

EFFECTIVE DATE: 05/28/2024

AGENCY APPROVED DATE: 05/13/2024

CONTACT: Karen Winkel  
503-947-7694  
karen.j.winkel@dcbs.oregon.gov

350 Winter St. NE  
Salem, OR 97301

Filed By:  
Karen Winkel  
Rules Coordinator

---

**RULES:**

441-840-0010, 441-840-0020, 441-840-0030, 441-840-0040, 441-840-0050, 441-840-0060, 441-840-0070, 441-840-0080, 441-840-0090

ADOPT: 441-840-0010

REPEAL: Temporary 441-840-0010 from FSR 3-2023

RULE TITLE: Definitions as Used in OAR 441-840-0010 to 441-840-0090

NOTICE FILED DATE: 03/27/2024

RULE SUMMARY: States the definition of key terms of data brokers.

**RULE TEXT:**

Unless a term is specifically defined elsewhere in these rules or the context otherwise requires, the definitions of ORS 646A.593(1) are hereby incorporated by reference and made part of these rules.

STATUTORY/OTHER AUTHORITY: ORS 646A.593(8)

STATUTES/OTHER IMPLEMENTED: ORS 646A.593

ADOPT: 441-840-0020

REPEAL: Temporary 441-840-0020 from FSR 3-2023

RULE TITLE: Registration Requirements

NOTICE FILED DATE: 03/27/2024

RULE SUMMARY: States the registration process and steps data brokers must follow in order to register with the department.

RULE TEXT:

(1) To register with the department for purposes of ORS 646A.593, a data broker shall:

(a) Pay the fees prescribed under OAR 441-840-0050; and

(b) Submit to the director electronically:

(A) The name and any assumed business name of the data broker;

(B) The street address and mailing address of the data broker;

(C) The name and address of the data broker's registered agent in Oregon;

(D) The main telephone number of the data broker;

(E) The data broker's primary website;

(F) The name, phone number and electronic mail address of contact person(s); and

(G) A declaration in which the data broker:

(i) States whether resident individuals may opt out of all or a portion of the data broker's collection, sale or licensing of the resident individuals' brokered personal data;

(ii) Identifies which of the data broker's activities of collecting, selling or licensing brokered personal data a resident individual may opt out of or which portion of the resident individual's brokered personal data the resident individual may opt out of providing or permitting the data broker to collect, sell or license;

(iii) Describes the method by which a resident individual may exercise the choices described in subparagraphs (a) and (b) of this paragraph; and

(iv) States whether a resident individual may authorize another person to exercise the choice described in subparagraph (a) of this paragraph on the resident individual's behalf and, if so, how to do so.

(c) Transmit to the director any information or documentation required to be submitted in connection with an application that cannot be filed electronically in a form and manner approved by the director.

(2) A data broker shall file electronically, in a form and manner approved by the director, all information and documentation submitted to the director pursuant to OAR 441-840-0020(1). If a data broker is unable to file any such information or documentation electronically, the data broker shall transmit such information or documentation in a form and manner approved by the director.

(3) A data broker's registration may be terminated or suspended for any violation of OAR 441-840-0020(1).

(4) A registration under this rule is not valid until the registration is approved by the department.

(5) Except as provided in OAR 441-840-0020(6), a registration under this rule is valid until the end of the calendar year in which the department approves the registration.

(6) A registration under this rule that is approved by the department after November 1 is valid until December 31 of the following year.

STATUTORY/OTHER AUTHORITY: ORS 646A.593(8)

STATUTES/OTHER IMPLEMENTED: ORS 646A.593(2) - 646A.593(4)

ADOPT: 441-840-0030

REPEAL: Temporary 441-840-0030 from FSR 3-2023

RULE TITLE: Deficiencies in Data Broker Registration or Registration Renewal

NOTICE FILED DATE: 03/27/2024

RULE SUMMARY: States the steps data brokers must follow and complete to correct any deficiencies found in their registry application, renewal, filing or amendment to filing.

RULE TEXT:

(1) A registration or registration renewal under this rule will not be approved if the information and documentation submitted under OAR 441-840-0020(1) or OAR 441-840-0040 is incomplete, inaccurate, or otherwise deficient in any material respect.

(2) If a data broker submits any information or documentation under OAR 441-840-0020(1) or OAR 441-840-0040 that is incomplete, inaccurate, or otherwise deficient in any material respect, the director will notify the data broker of any such deficiencies by email. If the data broker fails to resolve the deficiencies within 30 days after the date on which the email notice was sent:

(a) The registration will be considered abandoned;

(b) The registration will not be approved; and

(c) Any fees paid by the data broker under OAR 441-840-0050 will be forfeit and will not be refunded or otherwise credited to the data broker.

(3) The failure of a data broker registered under this rule to maintain an active registration to do business in the state of Oregon is a continuing violation for which civil penalties may be imposed under ORS 646A.593(7).

(4) The director may suspend the registration of a data broker for failure of a data broker registered under this rule to maintain an active registration to do business in the state of Oregon. The procedure for suspension of the registration under this rule is as follows:

(a) The director shall notify the data broker that the business registration in the state of Oregon is not active. This notice may be sent by email to the email address of the company's contact person.

(b) If the business registration is not active in the state of Oregon within 30 calendar days after sending the notice in subsection (a) of this rule, the director shall suspend the registration of the data broker.

(c) A data broker whose registration has been suspended under this rule may reinstate the registration by obtaining an active business registration with the state of Oregon and submitting a written request for reinstatement to the director at any time prior to December 31 of the year the registration was suspended. If the data broker has an active business registration with the state of Oregon and the registration would still be active but for the suspension, the director will reinstate the registration as of the date the written request was received by the director.

(d) If the data broker does not file a written request to reinstate the registration as of December 31, the registration will expire and the data broker will have to apply for a new registration in Oregon by submitting a new application.

STATUTORY/OTHER AUTHORITY: ORS 646A.593(8)

STATUTES/OTHER IMPLEMENTED: ORS 646A.593(2) - 646A.593(4)

ADOPT: 441-840-0040

REPEAL: Temporary 441-840-0040 from FSR 3-2023

RULE TITLE: Renewal of Data Broker Registration

NOTICE FILED DATE: 03/27/2024

RULE SUMMARY: States the renewal process and steps data brokers must follow in order to renew their application with the department.

RULE TEXT:

(1) To renew a valid registration under this rule, a data broker shall, at least 30 days before the expiration of the registration:

(a) Pay the fees prescribed under OAR 441-840-0050; and

(b) Submit to the director in the manner specified in OAR 441-840-0020(2):

(A) A declaration in which the data broker attests that the information and documentation submitted by the data broker under OAR 441-840-0020, as modified by any information and documentation submitted by the data broker under OAR 441-840-0070, is true and correct in all material respects; or

(B) All information and documentation required under OAR 441-840-0020(1).

(2) The approval of a registration renewed in accordance with this rule shall be effective immediately upon the expiration of the registration that is the subject of the renewal.

(3) A data broker's registration may be terminated or suspended for any violation of OAR 441-840-0040(1).

STATUTORY/OTHER AUTHORITY: ORS 646A.593(8)

STATUTES/OTHER IMPLEMENTED: ORS 646A.593(2) - 646A.593(4)

ADOPT: 441-840-0050

REPEAL: Temporary 441-840-0050 from FSR 3-2023

RULE TITLE: Fees Payable to the Director

NOTICE FILED DATE: 03/27/2024

RULE SUMMARY: Sets the fee amounts data brokers must pay to the director to register with the department, and the fee amounts data brokers must pay to renew their application with the department annually.

RULE TEXT:

(1) A data broker shall pay to the director the following fees at the time of registration or renewal of registration:

(a) A nonrefundable application or renewal fee of \$600.

(b) An additional fee of \$50 will be assessed for any renewals submitted after December 31 and prior to March 1.

(2) A data broker shall pay the fees in a form and manner approved by the director.

STATUTORY/OTHER AUTHORITY: ORS 646A.593(8)

STATUTES/OTHER IMPLEMENTED: ORS 646A.593(3)(b)

ADOPT: 441-840-0060

REPEAL: Temporary 441-840-0060 from FSR 3-2023

RULE TITLE: Rules for Use of an Assumed Business Name

NOTICE FILED DATE: 03/27/2024

RULE SUMMARY: States the rules for the use of an assumed business name for data brokers.

RULE TEXT:

(1) In addition to any requirements for registering an assumed business name with the Secretary of State, a data broker who intends to use an assumed business name to identify the person's data broker business shall also comply with the following before doing business under the assumed business name:

(a) If the assumed business name contains words or phrases described in ORS 56.023, the data broker must obtain specific written approval from the director under ORS 705.635 and OAR 441-005-0010.

(b) The data broker must list the name as any other assumed or doing business as names in the application.

(2) Regardless of the lack of any ownership interest in the assumed business name, the data broker is responsible for all actions of those acting under the assumed business name which relate to brokering data.

STATUTORY/OTHER AUTHORITY: ORS 646A.593(8)

STATUTES/OTHER IMPLEMENTED: ORS 646A.593(2) - 646A.593(4)

ADOPT: 441-840-0070

REPEAL: Temporary 441-840-0070 from FSR 3-2023

RULE TITLE: Disclosure of Significant Developments

NOTICE FILED DATE: 03/27/2024

RULE SUMMARY: States the data brokers duty to disclose to the department of any significant developments relating to the breach of security of consumers personal information, or any material changes to the information the data broker provided in their application form; including address changes, phone number changes, and any change in assumed business name registered with Secretary of State.

RULE TEXT:

(1) A data broker shall disclose to the director of any breach of security as required in ORS 646A.604 within 45 days of any such breach.

(2) A registered data broker shall notify the director within 45 days following:

(a) Any changes in the information required on the data broker under OAR 441-840-0020 or OAR 441-840-0040;

(b) Any other material changes to information submitted in registration application under OAR 441-840-0020 or OAR 441-840-0040.

(c) Any change in assumed business name registered with Secretary of State.

(3) A data broker's registration may be terminated or suspended for any violation of OAR 441-840-0070(2).

STATUTORY/OTHER AUTHORITY: ORS 646A.593(8), 646A.626

STATUTES/OTHER IMPLEMENTED: ORS 646A.593(2) - 646A.593(4), 646A.604(3)

ADOPT: 441-840-0080

REPEAL: Temporary 441-840-0080 from FSR 3-2023

RULE TITLE: Investigation by Director

NOTICE FILED DATE: 03/27/2024

RULE SUMMARY: States the grounds for investigation by the director a data broker may be subject to for any violation of the rules set forth in OAR 441-840-0010 to 441-840-0090.

RULE TEXT:

(1) The director may make such inquiries and conduct such investigations as the director deems necessary to determine whether a data broker has violated or is violating any requirement under ORS 646A.593 or any of the rules set forth in OAR 441-840-0010 to 441-840-0090.

(2) In connection with any inquiry or investigation described in section (1) of this rule, the director may address any proper inquiry to a data broker that is registered or required to be registered under ORS 646A.593 in relation to the data broker's collection, sale, or licensing of brokered personal data within this state or the data broker's compliance with any requirement under ORS 646A.593 or any of the rules set forth in OAR 441-840-0010 to 441-840-0090.

(3) Any data broker to whom an inquiry is addressed under section (2) of this rule shall promptly and truthfully respond to such inquiry.

STATUTORY/OTHER AUTHORITY: ORS 646A.593(8)

STATUTES/OTHER IMPLEMENTED: ORS 646A.593(1) - 646A.593(8)



ADOPT: 441-840-0090

REPEAL: Temporary 441-840-0090 from FSR 3-2023

RULE TITLE: Termination or Suspension of Data Broker Registration

NOTICE FILED DATE: 03/27/2024

RULE SUMMARY: States the grounds for termination a data broker may be subject to for any violation of the rules set forth in OAR 441-840-0010 to 441-840-0090.

RULE TEXT:

A data broker's registration may be terminated or suspended for any violation of the rules set forth in OAR 441-840-0010 to 441-840-0090.

STATUTORY/OTHER AUTHORITY: ORS 646A.593(8)

STATUTES/OTHER IMPLEMENTED: ORS 646A.593(2) - 646A.593(4)