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Karen Winkel  
Rules Coordinator  
DCBS | Division of Financial Regulation  
*Via: electronic transmission*

Re. 2023 HB 2052 Data Broker Registry Rules Advisory Committee Comments

AARP is pleased to serve on the Rules Advisory Committee (RAC) for the 2023 HB 2052 data broker registry and to submit these comments on the initial draft rules discussed at the August 23, 2023 RAC #1 meeting.

AARP is the nation's largest nonprofit, nonpartisan organization dedicated to empowering Americans 50 and older to choose how they live as they age. With over 500,000 members in Oregon, AARP works to strengthen communities and advocate for what matters most to families. That work includes ensuring consumers have choice, are not subject to unfair, deceptive or abusive business practices, receive understandable and accurate information in plain, easily understood language, can reject the sharing of their personal information and are protected from intrusive marketing practices, communications, and technology.

AARP supported HB 2052 because it advances the interests of consumers, requiring data brokers to register and, through the new system, allows consumers to identify which brokers allow a consumer to opt-out and how to make that request.

### **Consumer Information**

While we defer to the agency for determination on exactly where this should be included in the rules, we would suggest expanding proposed **4410-830-0020 Application Requirements** to make more explicit in the rules the following statutory requirements:

Section 1(3) of HB 2052 (emphasis added) provides the following requirement of the data broker to include in addition to the application form:



Section 1(3) To register with the department, a data broker shall...

...(c) **Include with the application form a declaration in which the data broker:**

(A) **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;

(B) **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;

(C) **Describes the method** by which a resident individual may exercise the choices described in subparagraphs (A) and (B) of this paragraph; and

(D) **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.

The current rules do not describe this specific statutory obligation on data brokers to provide this information. This is a critical piece of the law that provides Oregonians with information on activities related to data brokers and the options that may be available to opt out either directly or through another person acting on their behalf.

As discussed during the first hearing, we are *not* looking for the application form to be replicated in the rules. Instead, we request that the rules capture with specificity the information required by those filing.

### **Consumer Accessibility**

We echo the concern expressed by others during the first rules hearing that the final rules as well as the systems set up by DCBS to operate this new registry be designed to provide best practices for consumer accessibility. The rules should be more explicit in providing the methods consumers can use to engage data brokers to opt out so that the process is accessible, understandable and user friendly. We hope whatever systems and structures are developed are nimble to allow for modifications as newer best practices around accessibility are put in place.

Thank you for considering our recommendations. We look forward to the opportunity to review the next set of rules and provide input moving forward.

Regards,



Andrea Meyer  
Director of Government Relations