Oregon

ORS § 646A.600 *et seq*.

Quick Links

Statute

AG Website

Quick Facts

Is "Personal Information" broader than the general definition?[1]	✓ Yes
Does the law apply to paper records?	× No
Is notification triggered by access only?	× No
Is a risk-of-harm analysis permitted?	✓ Yes
Is notice to a state agency or AG required?	✓ Yes, if more than 250 residents receive notice
Is there a specific deadline for individual notices?	✓ Yes, within 45 days after discovering or receiving notification of the breach
Is there a specific format or language that must be included in the individual notice?	✓ Yes
Is a private right of action permitted?	× No

"Breach" Definition

The unauthorized acquisition of computerized data that materially compromises the security, confidentiality or integrity of personal information that a person maintains or possesses.

"Personal Information" Definition

1. A consumer's first name or first initial and last name in combination with any one or more of the following:
   a. A consumer's Social Security number
   b. A consumer's driver license number or state identification card number issued by the Department of Transportation
   c. A consumer's passport number or other identification number issued by the United States

[1] The general definition of "Personal Information" is an individual's name in combination with any one or more of the following: (1) Social Security number; (2) driver's license number or state identification card number; or (3) a financial account number or credit or debit card number in combination with any required security code, access code, or password that is necessary to permit access to an individual's financial account.

d. A consumer's financial account number, credit card number or debit card number, in combination with any required security code, access code or password that would permit access to a consumer's financial account, or any other information or combination of information that a person reasonably knows or should know would permit access to the consumer's financial account

e. Data from automatic measurements of a consumer's physical characteristics, such as an image of a fingerprint, retina or iris, that are used to authenticate the consumer's identity in the course of a financial transaction or other transaction

f. A consumer's health insurance policy number or health insurance subscriber identification number in combination with any other unique identifier that a health insurer uses to identify the consumer, or

g. Any information about a consumer's medical history or mental or physical condition or about a health care professional's medical diagnosis or treatment of the consumer.

2. A username or other means of identifying a consumer for the purpose of permitting access to the consumer's account, together with any other method necessary to authenticate the username or means of identification.
3. Any of the data elements or any combination of the data elements described subparagraph A or (B) of this paragraph without the consumer's username, or the consumer's first name or first initial and last name, if: (i) Encryption, redaction or other methods have not rendered the data element or combination of data elements unusable; and (ii) the data element or combination of data elements would enable a person to commit identity theft against a consumer.

Notification Trigger

45 days after discovering or receiving notification of the breach:

1. Entity that owns or licenses personal information shall notify Oregon residents "in the most expeditious manner possible, without unreasonable delay," but in no event later than 45 days after discovering or receiving notification of the breach.
2. Entity that only maintains or stores personal information shall notify the owner or licensee of the breach within 10 days after discovering the breach or having a reason to believe that the breach of security occurred.

Risk-of-Harm Analysis Standard

Entity does not need to notify consumers of a breach if, after an appropriate investigation or after consultation with relevant federal, state or local law enforcement agencies, the entity reasonably determines that the consumers whose personal information was subject to the breach are unlikely to suffer harm.

The entity must document the determination in writing and maintain the documentation for at least five years.

Special Form/Content of Consumer Notice

Notice must include:

1. A description of the breach of security in general terms
2. The approximate date of the breach of security
3. The type of personal information that was subject to the breach of security

4. Contact information for the covered entity
5. Contact information for national consumer reporting agencies, and
6. Advice to the consumer to report suspected identity theft to law enforcement, including the Attorney General and the Federal Trade Commission.

AG Notice Trigger/Deadline

If entity provides notice to more than 250 Oregon residents, entity must also provide notice to the Attorney General.

Notification to Consumer Reporting Agencies Threshold

If entity provides notice to more than 1,000 Oregon residents, the entity shall notify, without unreasonable delay, all consumer reporting agencies.