

# CONSUMER PRIVACY

## POLICY BRIEF FOR THE 2019 LEGISLATURE

Last updated March 13, 2019



# Data Transparency & Privacy Protection

## Why we need stronger safeguards in Oregon

As Americans spend more and more of their lives online, it's vital that we protect the internet from efforts to turn it into a privacy-free zone where our every keystroke and click is monitored, stored, and sold. According to a Pew Research survey, 91 percent of adults believe that consumers have lost control over how personal information is collected and used by companies.<sup>1</sup>

Many operators of commercial websites and online services collect a tremendous amount of highly personal information from Oregonians. This can include facts about our health, finances, location, politics, religion, sexual orientation, and shopping habits. Many operators share this

information with third parties, including advertisers and data brokers. This information has great financial value, so pressure to collect and share it will continue to grow.

Our sensitive personal information, pooled into ever-larger reservoirs of data, can be sold to the highest bidder, stolen by those who intend to abuse and misuse it, and seized by government investigators. Legislation is needed to protect the privacy and physical safety of Oregonians—particularly children and domestic violence and stalking victims—from dangers posed by the collection, sharing and selling of our data.

## BILL TO SUPPORT HB 2866

### ABOUT

The American Civil Liberties Union of Oregon, an affiliate of the national ACLU, is a non-profit and nonpartisan organization with more than 50,000 members and supporters in Oregon.

We defend and advance the civil liberties and civil rights of all people through work in the courts, in the legislature, and in communities.

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## THE FACTS

Computer scientists at Carnegie Mellon University concluded that a dozen or so popular Android apps collected device location—GPS coordinates accurate to within 50 meters— an average of 6,200 times, or roughly every three minutes, per participant over a two-week study period.<sup>2</sup>

The Wall Street Journal revealed that nearly 50 percent of top smartphone apps (including children’s apps) collect and share location data without consent.<sup>2</sup>

A national study conducted by the National Network to End Domestic Violence found that 72 percent of victim services programs across the country have seen victims who were tracked through a stalking app installed on a mobile phone or a stand-alone GPS device.<sup>3</sup>

In 2016, a company selling internet-connected stuffed animals exposed a database containing over 2 million voice recordings, many of them children, to hackers who held the database for ransom, demanding payment from the company in exchange for the safe return of the data.<sup>4</sup>

<sup>1</sup> <http://www.pewinternet.org/2014/11/12/public-privacy-perceptions/>

<sup>2</sup> <https://www.wsj.com/articles/apps-track-users-once-every-3-minutes-1427166955>

<sup>3</sup> <https://www.techsafety.org/blog/2014/4/29/new-survey-technology-abuse-experiences-of-survivors-and-victim-services>

<sup>4</sup> [https://www.huffingtonpost.com/entry/cloudpet-hack-recordings-messages\\_us\\_58b4aef0e4b0a8a9b7857b45](https://www.huffingtonpost.com/entry/cloudpet-hack-recordings-messages_us_58b4aef0e4b0a8a9b7857b45)

## THE SOLUTION • SUPPORT HB 2866



### What you can do to protect privacy in Oregon

Oregonians and their families need basic, common-sense protections that provide transparency and privacy protections.

- **“Right to Know”** provisions in HB 2866 will empower visitors to learn what personal information is gathered about them when they visit websites and online services and use digital electronic devices that connect to the internet, and who that information is shared with or sold to. This will ensure that people can obtain the information they need to make fact-based decisions about where and how they want to spend their time online and which applications and digital devices they want to use.

- **Geolocation privacy protections** in HB 2866 will protect Oregonians by making it unlawful for private parties to track, share or sell geolocation information collected from our smartphones or other mobile devices without our explicit permission.

- **Audiovisual privacy protections** in HB 2866 will protect data that may be collected when our devices’ microphones listen and cameras watch our most intimate moments. If a corporation is using an internet-connected device to listen or watch, or to share or sell that information, then it should clearly tell consumers when they will do so, for what purpose, and first obtain permission.

These common-sense protections would not restrict any website or online service from gathering or sharing information. Operators could keep doing what they are doing, they would just need to be more transparent about it and take the necessary steps to obtain permission before collecting and sharing particularly sensitive location information and audio/recordings. These simple and reasonable requirements are needed to protect the personal information of Oregon consumers and children.

*Bill filed at the request of the ACLU of Oregon, the Oregon Citizens’ Utility Board, and the Oregon Student Public Interest Research Group.*

