

A-Engrossed
House Bill 3047

Ordered by the House April 8
Including House Amendments dated April 8

Sponsored by Representatives WITT, BYNUM, POST; Representatives DEXTER, NERON, WILDE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Establishes civil cause of action for improper disclosure of personal information.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to disclosure of personal information; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Disclose" includes, but is not limited to, transfer, publish, distribute, exhibit, adver-**
6 **tise and offer.**

7 (b) **"Injure" means to subject another to bodily injury or death.**

8 (c) **"Harass" means to subject another to severe emotional distress such that the indi-**
9 **vidual experiences anxiety, fear, torment or apprehension that may or may not result in a**
10 **physical manifestation of severe emotional distress or a mental health diagnosis and is pro-**
11 **tracted rather than merely trivial or transitory.**

12 (d) **"Personal information" means:**

13 (A) **The plaintiff's home address, personal email address, personal phone number or so-**
14 **cial security number;**

15 (B) **Contact information for the plaintiff's employer;**

16 (C) **Contact information for a family member of the plaintiff;**

17 (D) **Photographs of the plaintiff's children; or**

18 (E) **Identification of the school that the plaintiff's children attend.**

19 (e) **"Stalk" means conduct constituting the crime of stalking under ORS 163.732 or con-**
20 **duct that would give rise to an action for issuance or violation of a stalking protective order**
21 **under ORS 30.866.**

22 (2) **A plaintiff has a cause of action for improper disclosure of private information if the**
23 **plaintiff establishes by a preponderance of the evidence that:**

24 (a) **The defendant, with the intent to stalk, harass or injure the plaintiff, knowingly**
25 **caused personal information to be disclosed;**

26 (b) **The defendant knew or reasonably should have known that the plaintiff did not con-**
27 **sent to the disclosure;**

28 (c) **The plaintiff is stalked, harassed or injured by the disclosure; and**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 (d) A reasonable person would be stalked, harassed or injured by the disclosure.

2 (3) A plaintiff who prevails in a claim under this section may recover:

3 (a) Economic and noneconomic damages, as those terms are defined in ORS 31.710;

4 (b) Punitive damages;

5 (c) Injunctive relief;

6 (d) Reasonable attorney fees; and

7 (e) Any other appropriate equitable relief.

8 (4) An action under this section must be commenced not later than two years after the
9 conduct that gives rise to a claim for relief occurred.

10 SECTION 2. Section 1 of this 2021 Act applies to disclosures of personal information oc-
11 ccurring on or after the effective date of this 2021 Act.

12 SECTION 3. This 2021 Act being necessary for the immediate preservation of the public
13 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
14 on its passage.
15 _____