

The OCDPA (effective July 1, 2024 most subject businesses and July 1, 2025 for non-profits) governs certain entities that control (“controllers”) or process (“processors”) and, as applicable, sell, the personal data of Oregon residents, other than in the employment or business-to-business contexts (“consumers”). It also grants Oregon residents certain rights with respect to their personal data.

Applicability

The OCDPA applies to persons or entities conducting business in Oregon or producing products or services targeted to Oregon residents, and who during the preceding calendar year either:

- Controlled or processed the personal data of at least **100,000** consumers, excluding personal data controlled or processed solely for the purpose of completing a payment transaction, or
- Derived at least **25%** of their gross revenue from the sale of personal data and controlled or processed the personal data of at least **25,000** consumers.

Practical Application for Businesses

Consumer Rights:

- (1) **Right to Access:** the right to confirm whether a controller is processing personal data and access such data.
- (2) **Right to Correct:** the right to correct inaccuracies in the consumer’s personal data.
- (3) **Right to Delete:** the right to delete personal data concerning the consumer.
- (4) **Right to Data Portability:** the right to obtain the personal data in a portable and, to the extent technically feasible, readily usable format that allows the consumer to transmit the data to another entity without hindrance.
- (5) **Right to Opt Out:** the right to opt out of the processing of personal data for purposes of (i) targeted advertising, (ii) the sale of personal data, or (iii) profiling for decisions that significantly affect a consumer.

Controller Obligations:

- Publish a privacy notice that contains requisite details and is reasonably accessible, clear, and meaningful.
- Obtain consent to collect sensitive data, including personal data of any consumers under **13**.
- Provide consumers with sufficient methods to exercise their rights, including a website link that enables the right to opt out, and effective **January 1, 2026**, an “opt-out preference signal.”
- Act on consumer requests within **45 days**; provide notice of extensions and the appeals process as necessary.
- Enter into binding data processing agreements with requisite limitations for third-party processors.
- Conduct and document an impact assessment for each processing activity that poses a “heightened risk of harm” to the consumer (e.g., selling personal data, processing sensitive data, or targeted advertising or profiling with certain foreseeable risks).

Recommendations for Controllers:

- Regularly update data maps to detail personal data collection, including sensitive data and targeted advertising.
- Train employees how to handle consumer inquiries and requests.
- Maintain clear and executable data retention policies and procedures.

Penalties:

- The Oregon Attorney General has exclusive enforcement authority. A violation of the OCDPA could result in civil penalties up to **\$7,500 per violation**.
- There is a 30-day cure period to correct a violation if the Oregon Attorney General determines a violation is curable. This right to cure ends on January 1, 2026.