



May 8, 2025

Chair Floyd Prozanski  
Vice Chair Kim Thatcher  
Committee on Judiciary  
Oregon Senate  
900 Court St. NE  
Salem, Oregon 97301

RE: H.B. 2008 (Location and Children's Privacy)

Dear Chair Prozanski and Vice Chair Thatcher,

Consumer Reports is proud to support H.B. 2008, legislation that would ban the sale of precise geolocation data outright. Geolocation can be useful for pro-consumer applications such as turn-by-turn directions and finding a nearby restaurant; however, all too often this information is secretly collected and sold to dozens if not hundreds of data brokers and other third-parties with whom consumers have no relationship or even awareness. The legislation would also ban the sale of the personal data of children under 16. In doing so, the bill will provide straightforward, powerful, and critically important protections for the privacy, autonomy, and physical safety of Oregonians.

The location information market is a multi-billion dollar industry<sup>1</sup> centered on collecting and selling people's everyday comings and goings, often collected from people's mobile devices and often without their knowledge or explicit consent. Location data is an extremely sensitive form of personal information. Researchers have shown that 95 percent of individuals can be uniquely identified from just four location points in time and 50 percent of individuals can be uniquely identified from just two spatio-temporal points; most companies that collect this information have orders of magnitude more data than that.<sup>2</sup>

Much of this information is amassed by data brokers, entities that compile extensive dossiers on virtually every American that include thousands of data points, including extremely granular information about people's behavior, as well as inferences about individuals based on their information.<sup>3</sup> Some companies collect and share consumers' location information as often as every

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<sup>1</sup> Jon Keegan and Alfred Ng, The Markup, There's a Multibillion-Dollar Market for Your Phone's Location Data, (September 30, 2021), <https://themarkup.org/privacy/2021/09/30/theres-a-multibillion-dollar-market-for-your-phones-location-data>

<sup>2</sup> Yves-Alexander de Montjoye et al., Scientific Reports, vol. 3, art. no. 1376, Unique in the Crowd: The privacy bounds of human mobility, (March 25, 2013), <https://www.nature.com/articles/srep01376>

<sup>3</sup> See, e.g., Joseph Cox, The Secret Weapon Hackers Can Use to Dox Nearly Anyone in America for \$15, 404 Media (Aug. 22, 2023), <https://www.404media.co/the-secret-weapon-hackers-can-use-to-dox-nearly-anyone-in-america-for-15-tlo-usi-nfosearch-transunion/>;

three seconds.<sup>4</sup> This information is then sold and resold, often for marketing but for a variety of other purposes as well, eroding consumers' basic expectation of privacy in the process.<sup>5</sup> This activity poses a host of significant risks to Oregon residents.

A few examples of location information-driven harms include:

- *Scamming, stalking, and spying.* Fraudsters and other bad actors can use location data brokers to target vulnerable individuals for scams, or otherwise use personal information to cause harm. Some data brokers sell lists of consumers sorted by characteristics like “Rural and Barely Making It” and “Credit Crunched: City Families,” which can be used to target individuals most likely to be susceptible to scams or other predatory financial products.<sup>6</sup> Scammers can also use commercially available location information to increase the specificity of their phishing or social engineering scams, such as by including location-specific details like mentioning a nearby business or the individual's recent activity.<sup>7</sup> Location data brokers are also commonly used by abusive individuals to locate people, hunt them down, and stalk, harass, intimidate, assault, or even murder them.<sup>8</sup>
- *Tracking of sensitive locations.* Location information can be used to track individuals' visits to especially sensitive locations, such as reproductive or mental health facilities,<sup>9</sup> political rallies,<sup>10</sup> religious facilities,<sup>11</sup> and more. This information is often sold (or in some cases,

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Douglas MacMillan, Data Brokers are Selling Your Secrets. How States are Trying to Stop Them, Wash. Post (Jun. 24, 2019).

<https://www.washingtonpost.com/business/2019/06/24/data-brokers-are-getting-rich-by-selling-yoursecrets-how-states-are-trying-stop-them/>.

<sup>4</sup> Federal Trade Commission, FTC Takes Action Against General Motors for Sharing Drivers' Precise Location and Driving Behavior Data Without Consent, (January 14, 2025),

<https://www.ftc.gov/news-events/news/press-releases/2025/01/ftc-takes-action-against-general-motors-sharing-drivers-precise-location-driving-behavior-data>

<sup>5</sup> Big Data, A Big Disappointment for Scoring Consumer Credit Risk, Nat'l Consumer Law Ctr. at 15-16 (Mar. 2014),

<https://www.nclc.org/images/pdf/pr-reports/report-big-data.pdf>.

<sup>6</sup> Consumer Financial Protection Bureau, Protecting Americans from Harmful Data Broker Practices (Regulation V), Proposed Rule; request for public comment, (December 3, 2024),

[https://files.consumerfinance.gov/f/documents/cfpb\\_nprm-protecting-ams-from-harmful-data-broker-practices\\_2024-12.pdf](https://files.consumerfinance.gov/f/documents/cfpb_nprm-protecting-ams-from-harmful-data-broker-practices_2024-12.pdf)

<sup>7</sup> Phishing Box, Tracking Data: Identifying the Anonymized,

<https://www.phishingbox.com/news/post/tracking-data-identifying-anonymized>

<sup>8</sup> Justin Sherman, Lawfare, People Search Data Brokers, Stalking, and 'Publicly Available Information' Carve-Outs, (October 30, 2023),

<https://www.lawfaremedia.org/article/people-search-data-brokers-stalking-and-publicly-available-information-carve-outs>

<sup>9</sup> Office of Senator Ron Wyden, Wyden Reveals Phone Data Used to Target Abortion Misinformation at Visitors to Hundreds of Reproductive Health Clinics, (February 13, 2024),

<https://www.wyden.senate.gov/news/press-releases/wyden-reveals-phone-data-used-to-target-abortion-misinformation-at-visitors-to-hundreds-of-reproductive-health-clinics>

<sup>10</sup> Charlie Warzel and Stuart A. Thompson, New York Times, How Your Phone Betrays Democracy, (December 21, 2019),

<https://www.nytimes.com/interactive/2019/12/21/opinion/location-data-democracy-protests.html>

<sup>11</sup> Federal Trade Commission, FTC Takes Action Against Gravy Analytics, Venntel for Unlawfully Selling Location Data Tracking Consumers to Sensitive Sites, (December 3, 2024),

inadvertently shared)<sup>12</sup> by app developers to data brokers, who then re-package the information and sell it to a variety of third-parties, including advertisers, political extremist groups, and law enforcement. For example, one of the businesses testifying in opposition to the bill during the committee hearing on May 5 was InMarket, which recently settled a complaint<sup>13</sup> from the Federal Trade Commission by agreeing to stop selling precise location data and products that target consumers based on sensitive location data.<sup>14</sup> The company allegedly maintained and sold access to nearly 2,000 lists of individuals sorted by characteristics they had inferred from their collection of location data, including categories such as “parents of preschoolers,” “Christian church goers,” and “wealthy and not healthy.”<sup>15</sup> California’s data broker database lists dozens of other companies (likely an undercount)<sup>16</sup> that continue to collect precise geolocation information.<sup>17</sup>

- *Unfair Pricing.* Data brokers sell information about people who rarely even know the companies even exist—and who have rarely ever affirmatively, expressly consented to this information collection and sale. In some instances, this can result in financially disastrous consequences for consumers. A recent case brought by the Texas Attorney General alleged that Arity, a data broker owned by the insurance company Allstate, secretly harvested information from drivers, including their precise geolocation data, which it used in some cases to raise consumers’ premiums or deny them coverage altogether.<sup>18</sup> They also allegedly sold the driving data to several other insurance companies without consumers’ knowledge or consent.

Moreover, online and in-person retailers can use information about individuals’ location history to make inferences about them that are then used to set individualized prices. Some grocery chains, such as Kroger, already collect this type of information on consumers and have sold it to third-parties as part of their “alternative profit” business lines.<sup>19</sup> Last year, the

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<https://www.ftc.gov/news-events/news/press-releases/2024/12/ftc-takes-action-against-gravy-analytics-vennt-el-unlawfully-selling-location-data-tracking-consumers>

<sup>12</sup> Joseph Cox, Wired, Candy Crush, Tinder, MyFitnessPal: See the Thousands of Apps Hijacked to Spy on Your Location, (January 9, 2025), <https://www.wired.com/story/gravy-location-data-app-leak-rtb/>

<sup>13</sup> Federal Trade Commission, Complaint In the Matter of INMARKET MEDIA, LLC, [https://www.ftc.gov/system/files/ftc\\_gov/pdf/Complaint-InMarketMediaLLC.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/Complaint-InMarketMediaLLC.pdf)

<sup>14</sup> Federal Trade Commission, FTC Order Will Ban InMarket from Selling Precise Consumer Location Data, (January 18, 2024),

<https://www.ftc.gov/news-events/news/press-releases/2024/01/ftc-order-will-ban-inmarket-selling-precise-consumer-location-data>

<sup>15</sup> *Id.*

<sup>16</sup> Suzanne Smalley, the Record, Delete-your-data laws have a perennial problem: Data brokers who fail to register, (October 17, 2023), <https://therecord.media/state-data-broker-registries-california-vermont>

<sup>17</sup> California Consumer Privacy Agency, Data Broker Registry, (2025), [https://coppa.ca.gov/data\\_broker\\_registry/](https://coppa.ca.gov/data_broker_registry/)

<sup>18</sup> Office of the Texas Attorney General, Attorney General Ken Paxton Sues Allstate and Arity for Unlawfully Collecting, Using, and Selling Over 45 Million Americans’ Driving Data to Insurance Companies, (January 13, 2025),

<https://www.texasattorneygeneral.gov/sites/default/files/images/press/Allstate%20and%20Arity%20Petition%20Filed.pdf>

<sup>19</sup> Jon Keegan, the Markup, Forget Milk and Eggs: Supermarkets Are Having a Fire Sale on Data About You, (February 16, 2023),

Federal Trade Commission released initial findings from its Surveillance Pricing study, confirming that geolocation can be a key input of individualized prices shown to consumers.<sup>20</sup>

- *Enhanced risks of data breaches.* Data brokers collect trillions of data points on Americans, so they are unsurprisingly a top target for hackers and cyber criminals. Location data broker Gravy Analytics, which has claimed to “collect, process and curate” more than 17 billion signals from people’s smartphones every day,<sup>21</sup> reportedly suffered a massive data breach that may have leaked the location information of millions of individuals.<sup>22</sup> This type of information makes it trivially easy to reconstruct the everyday comings and goings of individuals, politicians, and even servicemembers.<sup>23</sup>

Prohibiting the sale of precise geolocation information will significantly reduce these harms and allow consumers to use their mobile devices without fear that their location information will be sold for adversarial purposes. Given the risks, states are increasingly considering protections similar to those considered in H.B. 2008. For example, last year Maryland passed a comprehensive privacy law with a ban on the sale of all sensitive personal information (a broader category of information that includes location data and the personal information of minors). This year, similar legislative proposals are advancing in states like California and Massachusetts.<sup>24</sup>

For the above reasons, we are proud to support H.B. 2008 and urge the committee to pass it.

Sincerely,

Matt Schwartz  
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Consumer Reports

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<https://themarkup.org/privacy/2023/02/16/forget-milk-and-eggs-supermarkets-are-having-a-fire-sale-on-data-about-you>

<sup>20</sup> Federal Trade Commission, FTC Surveillance Pricing Study Indicates Wide Range of Personal Data Used to Set Individualized Consumer Prices, (January 17, 2025),

<https://www.ftc.gov/news-events/news/press-releases/2025/01/ftc-surveillance-pricing-study-indicates-wide-range-personal-data-used-set-individualized-consumer>

<sup>21</sup> Federal Trade Commission, FTC Takes Action Against Gravy Analytics, Venntel for Unlawfully Selling Location Data Tracking Consumers to Sensitive Sites, (December 3, 2024),

[https://www.ftc.gov/system/files/ftc\\_gov/pdf/2123035gravyanalyticscomplaint.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/2123035gravyanalyticscomplaint.pdf)

<sup>22</sup> Joseph Cox, 404Media, Hackers Claim Massive Breach of Location Data Giant, Threaten to Leak Data, (January 7, 2025),

<https://www.404media.co/hackers-claim-massive-breach-of-location-data-giant-threaten-to-leak-data/>

<sup>23</sup> Justin Sherman et al., Duke Sanford School of Public Policy, Data Brokers and the Sale of Data on U.S. Military Personnel, (November 2023),

<https://techpolicy.sanford.duke.edu/wp-content/uploads/sites/4/2023/11/Sherman-et-al-2023-Data-Brokers-and-the-Sale-of-Data-on-US-Military-Personnel.pdf>

<sup>24</sup> California A.B. 1355,

[https://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml?bill\\_id=202520260AB1355](https://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml?bill_id=202520260AB1355); Massachusetts H. 357, <https://malegislature.gov/Bills/193/H357>