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**Delaware Passes Personal Data Privacy Act
Attachment: Summary of State Privacy Laws**

Posted by [Virginia Fournier](#)

September 26, 2023

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Summary of State Privacy Laws

State	California	Colorado	Connecticut	Delaware	Indiana	Iowa	Montana	Oregon	Tennessee	Texas	Utah	Virginia
Title of law	California Consumer Privacy Act (CCPA) California Privacy Rights Act (CPRA) and corresponding regulations Note: Not all regulations have been finalized to date.	Colorado Privacy Act	Connecticut Data Privacy Act	Delaware Personal Data Privacy Act	Indiana Consumer Data Protection Act	Iowa Consumer Data Protection Act	Montana Consumer Data Privacy Act	Oregon Consumer Privacy Act	Tennessee Information Protection Act	Texas Data Privacy and Security Act	Utah Consumer Privacy Act	Virginia Consumer Data Protection Act
Effective date	CCPA went into effect 1/1/20; CPRA went into effect 1/1/23 with enforcement commencing 7/1/23	7/1/23	7/1/23	1/1/25	1/1/26	1/1/25	10/1/24	7/1/24	7/1/24	3/1/24	12/31/23	1/1/23
Scope	For-profit legal entities doing business in CA that collect consumers' personal data and meet at least one of the following criteria: - has annual gross revenues in excess of \$25M in the preceding calendar year; or - buys, sells, or shares the personal data of 100K or more CA consumers or	Legal entities that conduct business or provide commercial products/ services that are intentionally targeted to CO residents and either (or both) of the following: - controls or processes data from at least 100K consumers	Persons that conduct business in CT or persons that produce products or services that are targeted to CT residents, and during the preceding calendar year: - controlled or processed the personal data of not less than 100k consumers; or	Persons that conduct business in DE or persons that produce products or services that are targeted to residents of DE and during the prior year did any of the following: 1. Controlled or processed the personal data of not less than 35K consumers (excluding data	Persons that conduct business in IN or produce products or services that are targeted to residents of IN and that during a calendar year, either: - controls or processes personal data of at least 100k consumers; or - controls or processes personal data	Persons that conduct business in IA or produce products or services that are targeted to residents of IA, and one of the following: - controls or processes personal data of at least 100k consumers; or - controls or processes personal data of at least 25k consumers and	Persons that conduct business in MT or produce products or services targeted to MT residents and: - controls or processes the personal data of not less than 50k consumers (not including data processed solely for processing payments); or - controls or processes the data of not less than 25k consumers and	Persons that conduct business in OR or that provide products or services to OR residents and that, during a calendar year, controls or processes: - the personal data of 100K or more consumers; or - the personal data of 25K or more consumers while deriving 25% or more of its	Persons that conduct business in TN or produce products or services targeted to TN residents and: - during a calendar year, control or process personal data of at least 100k consumers; or - control or process personal data of at least 25k consumers and derive more than 50% of its	Persons that (i) conduct business in TX or produce a product or services consumed by TX residents; (ii) process or engage in the sale of personal data; and (iii) are not a small business as defined by the SBA.	Controllers and processors who conduct business in UT or produce products or services targeted to UT residents and has annual revenue of \$25M or more, and satisfies one or more of the following: - during a calendar year, controls or processes	Businesses that conduct business in VA or produce products or services targeted to residents of VA and either (1) control or process personal data of at least 100K VA residents in a calendar year, or (2) control or process personal data of at least 25K consumers and derive over 50% of gross revenue from sale of personal data.



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	households annually; or - derives 50% or more of its annual revenue selling or sharing consumers' personal data. CPRA also clarifies that the law applies to businesses that generate most of their revenue from sharing personal data (not just selling), even if no monetary consideration is paid.	per calendar year; and/or - derives revenue from, or receives discounted goods or services, from the sale of the personal data of at least 25k consumers.	- controlled or processed personal data of not less than 25K consumers and derived more than 25% of its gross revenue from the sale of personal data.	processed solely for completion of a payment transaction), or 2. Controlled or processed the personal data of not less than 10K consumers and derived more than 20% of their gross revenue from the sale of personal data.	of at least 25k consumers and derives more than 50% of gross revenue from the sale of personal data.	derives over 50% of its gross revenue from the sale of personal data.	derives more than 25% of gross revenue for the sale of personal data.	gross revenue from selling personal data.	gross revenue from the sale of personal data.		personal data of 100k or more consumers; or - derives more than 50% of its gross revenue from the sale of personal data and controls or processes personal data of 25k or more consumers.	
Entity exceptions/ exemptions	Non-profit companies and government agencies	None specified (non-profits are not exempt)	- State agencies - Non-profit organizations - Institutions of higher education - Registered national securities associations - Financial institution subject to GLB Act - Covered entity or business associate under HIPAA	- Regulatory, administrative, advisory, executive, appointive, legislative, or judicial body of the state. - Financial institutions	- State agencies and their contractors - Financial institutions subject to GLB Act - Covered entity or business associate subject to HIPAA - Non-profit organizations - Institutions of higher education - Public utilities	- State agencies - Financial institutions - Persons subject to HIPAA - Non-profit organizations - Institutions of higher education	- State agencies - Non-profit organizations - Registered national securities association - Financial institutions subject to GLB Act - Covered entity or business associate subject to HIPAA	- Financial institutions subject to GLBA - Covered entities and business associates regulated by HIPAA Non-profits are NOT exempt.	TN has a long list of categories of exempt entities, including: - State agencies - Financial institutions subject to GLB Act - Insurance companies licensed in TN - Non-profit organizations - Institutions of higher education	- State agencies subject to GLB Act - Covered entity or business associate subject to HIPAA - Non-profit organizations - Institutions of higher education	- State agencies - Tribes - Institutions of higher education - Non-profit corporations - Covered entities and business associates under HIPAA	Non-profit organizations, state governmental bodies, financial institutions subject to the GLB Act, entities subject to HIPAA, institutions of higher education



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State	California	Colorado	Connecticut	Delaware	Indiana	Iowa	Montana	Oregon	Tennessee	Texas	Utah	Virginia
					Non-profits and institutions of higher education are NOT exempt.							
Protected consumers	Natural persons who are CA residents	CO residents acting only in an individual or household context Does not include individuals acting in a commercial or employment context.	Individual who is a resident of CT. Does not include an individual acting in a commercial or employment context, or as an employee, owner, director, officer or contractor of an entity.	An individual who is a resident of DE.	Individual who is a resident of IN and acts for a personal, family, or household purpose.	Natural person who is an IA resident acting in an individual or household context Excludes natural persons acting in a commercial or employment context.	An individual who is a resident of the state. Excludes individuals acting in a commercial or employment context.	A natural person who resides in OR. Excludes individuals acting in a commercial or employment context.	A natural person who is a resident of TN acting only in a personal context.	An individual who is a resident of TX acting only in an individual or household context. Excludes individuals acting in a commercial or employment context.	An individual who is a resident of UT acting in an individual or household context.	- VA residents acting in an individual or household capacity - Does not include individuals acting in a commercial or employment context
Covered personal data	Information that identifies, relates to, describes, is reasonably capable of being associated with, or could be reasonably linked with a consumer or household.	Information that is linked to, or reasonably linkable to, an identified or identifiable individual.	Information that is linked or reasonably linkable to an identified or identifiable individual.	Information that is linked or reasonable linkable to an identified or identifiable individual.	Information that is linked or reasonably linkable to an identified or identifiable individual	Information that is linked or reasonably linkable to an identified or identifiable natural.	Any information that is linked or reasonably linkable to an identified or identifiable individual.	Data, derived data, or any unique identifier that is linked to or reasonably linkable to one or more consumers in a household.	Information that identifies, relates to, or describes a particular consumer or is reasonably capable of being directly or indirectly associated or linked with a particular consumer.	Information, including sensitive data, that is linked or reasonably linkable to an identified or identifiable individual.	Information that is linked or reasonably linkable to an identified or identifiable individual	Any information that is linked or reasonably linkable to an identified or identifiable natural person.
Excluded data	Publicly available information from government records De-identified and aggregate consumer data	De-identified data and publicly available information Data subject to federal	De-identified data and publicly available information.	De-identified data and publicly available information. DE also includes a list of 13 categories of	De-identified data, aggregate data, and publicly available information.	- De-identified data, aggregate data, and publicly available information. - Data subject to GLB.	De-identified data and publicly available information. MT has a list of 18 categories of data that is excluded	De-identified data and publicly available information. - B2B data - Employee data	De-identified data and publicly available information. TN has a list of several categories of data that is	- De-identified data - Protected PHI under HIPAA - Information maintained by a covered entity or business associate under HIPAA	De-identified data, aggregate data, and publicly available information.	- De-identified data and publicly available information - Information processed in connection with



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	Data subject to federal privacy regulations such as Gramm-Leach-Bliley, FCRA, and HIPAA.	privacy regulations such as Gramm-Leach-Bliley, FCRA, COPPA, FERPA, and HIPAA.		data that are not subject to the law, including: - data subject to HIPAA, FCRA and FERPA. - Data used for public health, community health, or population health activities in certain cases - Personal data of a victim or witness to child abuse, domestic violence human trafficking, sexual assault, violent felony or stalking processed by a non-profit that provides services to such witnesses and victims.			(many related to health care), including: - PHI under HIPAA - Patient-identifying information - Certain information collected for research - Information subject to FCPA and FERPA - Emergency contact information		excluded (including several related to health care), including: - PHI under HIPAA - Patient-identifying information - Certain information collected for research Information subject to FCPA and FERPA - Emergency contact information	- Health records and patient-identifying info - Certain information collected for research purposes - Information used for public health purposes - Information subject to FCRA, FERPA - Employment data - Emergency contact info - Data processed in a purely personal or household activity.		human resources and benefits administration, including information about employees and job applicants - Personal Health Information (PHI) subject to HIPAA and data subject to federal privacy regulations, such as FCRA and FERPA
Sensitive data requirements	CPRA imposes new requirements on the use and disclosure of sensitive data, including opt-out requirements, opt-in consent requirements for use and disclosure, and purpose limitation requirements.	Prior to use, must obtain consent, or consent from the child's parent or guardian.	A consumer's sensitive data may not be processed without obtaining the consumer's consent. Children's sensitive data must be processed in	A consumer's sensitive data may not be processed without obtaining the consumer's consent. Processing a child's sensitive personal data requires obtaining consent from the	A consumer's sensitive data may not be processed without obtaining the consumer's consent. Children's sensitive data must be processed in	A consumer's sensitive data may not be processed without the consumer having been presented with clear notice and an opportunity to opt out of such processing.	A consumer's sensitive data may not be processed without obtaining the consumer's consent. Children's sensitive data must be processed in accordance with COPPA.	A consumer's sensitive data may not be processed without obtaining the consumer's consent. Children's sensitive data must be processed in	A consumer's sensitive data may not be processed without obtaining the consumer's consent. Children's sensitive data must be processed in	A consumer's sensitive data may not be processed without obtaining the consumer's consent. Children's sensitive data must be processed in accordance with COPPA.	A controller may not process sensitive data without first presenting the consumer with a clear notice and an opportunity to opt out.	A consumer's sensitive data may not be processed without obtaining the consumer's consent. Children's sensitive data must be processed in accordance with COPPA.



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			accordance with COPPA.	child's parent or legal guardian.	accordance with COPPA.	Children's sensitive data must be processed in accordance with COPPA.		accordance with COPPA.	accordance with COPPA.		Children's sensitive data must be processed in accordance with COPPA.	
Right of Access/ Right to Know	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Right to Correct	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes
Right to Data Portability	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes
Right to Delete	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Right to Opt-In for Sensitive Data Processing	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes
Right to Opt-out of Processing	Yes, for any sale or sharing	Yes, for profiling and targeted advertising purposes, and for the sale of personal data.	Yes, for profiling/targeted advertising purposes.	Yes, for profiling/targeted advertising purposes.	Yes, for profiling/targeted advertising purposes.	No	Yes, for profiling/targeted advertising purposes.	Yes, for profiling/targeted advertising purposes.	Yes, for profiling/targeted advertising purposes.	Yes, for profiling/targeted advertising purposes.	Yes, for profiling/targeted advertising purposes.	Yes, for profiling/targeted advertising purposes.
Right to Non-Discrimination	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Time to respond to consumer requests	45 days, with a 45-day extension with written notice to the consumer	45 days, with a 45-day extension with written notice to the consumer	45 days, with a 45-day extension with notice to the consumer.	45 days, with a 45-day extension with notice to the consumer.	45 days, with a 45-day extension with notice to the consumer.	90 days, with a 45-day extension with notice to the consumer.	45 days, with a 45-day extension with notice to the consumer	45 days, with a 45-day extension with notice to the consumer	45 days, with a 45-day extension with notice to the consumer	45 days, with a 45-day extension with notice to the consumer	45 days, with a 45-day extension with notice to the consumer	45 days, with a 45-day extension with written notice to the consumer



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Consent requirements	Must be a freely given, specific, informed and unambiguous, indicative of the consumer's wishes.	Must be a clear, affirmative act signifying the consumer's freely given, specific, informed, and unambiguous agreement.	Must be a clear affirmative act signifying a consumer's freely given, specific, informed and unambiguous agreement.	Must be a clear affirmative act signifying a consumer's freely given, specific, informed, and unambiguous agreement.	Must be a clear affirmative act that signifies a consumer's freely given, specific, informed, and unambiguous agreement.	Must be a clear affirmative act signifying a consumer's freely given, specific, informed, and unambiguous agreement.	Must be a clear affirmative act that signifies a consumer's freely given, specific, informed, and unambiguous agreement.	Must be an affirmative act that clearly and conspicuously communicates that consumer's freely given, specific, informed and unambiguous assent.	Must be a clear affirmative act that signifies a consumer's freely given, specific, informed, and unambiguous agreement.	Must be a clear affirmative act signifying a consumer's freely given, specific, informed, and unambiguous agreement.	An affirmative act by a consumer that unambiguously indicates the consumer's voluntary and informed agreement to allow a person to process the consumer's personal data.	Must be a clear, affirmative act signifying a consumer's freely given, specific, informed, and unambiguous agreement to process personal data.
Privacy notice required	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Required data protection assessment	Yes, to be submitted to the CPPA on regular basis.	Yes, with results to be accessed and evaluated by the CO AG and district attorneys.	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes Results may be requested by the VA Attorney General as part of an investigation.
Private right of action for consumers	Yes, for certain data breaches. Statutory damages of \$100 to \$750 (or actual damages, if greater), per consumer, per incident.	No	No	No	No	No	No	No	No	No	No	No
Enforcement and Investigations	Consumers may file complaints with the CPPA. The CPPA may conduct investigations and audits in response to a complaint or	CO AG and DAs have exclusive enforcement authority. CO AG and DAs issue a written notice	CT AG has exclusive enforcement authority. CT AG issues a written notice of violation with a	DE Dept of Justice has exclusive enforcement authority.	IN AG has exclusive enforcement authority. IN AG issues a written notice of violation with a	IA AG has exclusive enforcement authority. IA AG issues a written notice of violation with a	MT AG has exclusive enforcement authority. MT AG issues a written notice of violation with a 60-day cure period.	OR AG has exclusive enforcement authority. OR AG issues a written notice of violation with a 30-day cure	TN AG has exclusive enforcement authority. TN AG issues a written notice of violation with a	TX AG has exclusive enforcement authority. TX AG issues a written notice of violation with a 60-day cure period.	UT AG has exclusive enforcement authority. UT AG issues a written notice of violation with a	VA AG has exclusive enforcement authority. VA AG issues a written notice of violation with a 30-day cure period.



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	on its own initiative. Enforcement by the CA AG and the California Privacy Protection Agency (CPPA).	of violation with a 60-day cure period (until January 1, 2025)..	60-day cure period.		30-day cure period.	90-day cure period.		period (this provision sunsets on 1/1/26).	60-day cure period.		30-day cure period.	
Penalties and Fines	Fines of up to \$2,500 for violations and \$7,500 for intentional violations involving consumers under 16.	Civil penalties under the Colorado Consumer Protection Act of \$2,000 up to \$20,000 per violation.	Civil penalties under the Connecticut Unfair Trade Practices Act of up to \$5,000 per violation.	DE Dept of Justice can initiate judicial actions, and courts may order the violator to pay a civil penalty of up to \$10,000 for each willful violation,	Civil penalties up to \$7,500 per violation.	Civil penalties up to \$7,500 per violation (each consumer counts as a separate violation).	No specific penalties specified.	Civil penalties up to \$7,500 per violation State AG may recover attorney fees, expert witness fees, and costs of investigation. Court may award reasonable attorney fees to a defendant that prevails in an action if the AG had no objectively reasonable basis for asserting the claim.	Civil penalties of up to \$15,000 per violation. Treble damages if the controller or processor willfully or knowingly violates the law. State AG may recover reasonable expenses incurred in investigating and preparing a case, including attorneys' fees.	Civil penalties of up to \$7,500 per violation.	Actual damages to consumer Civil penalties of up to \$7,500 per violation.	Civil penalties of up to \$7,500 per violation. AG may recover reasonable expenses of investigating and preparing the case, including attorneys' fees.