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More States Pass Consumer Data Privacy Laws

Attachment: Summary of State Privacy Laws

Posted by [Virginia Fournier](#)

July 11, 2023

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State	California	Colorado	Connecticut	Indiana	Iowa	Montana	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	Indiana Consumer Data Protection Act	Iowa Consumer Data Protection Act	Montana Consumer Data 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	1/1/26	1/1/25	10/1/24	7/1/24	3/1/24	12/31/23	1/1/23



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State	California	Colorado	Connecticut	Indiana	Iowa	Montana	Tennessee	Texas	Utah	Virginia
Scope	For-profit legal entities doing business in CA that collect consumers' personal data and meet at least one of the following criteria: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> controls or processes data from at least 100K consumers per calendar year; and/or derives revenue from, or receives 	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: <ul style="list-style-type: none"> controlled or processed the personal data of not less than 100k consumers; or controlled or processed personal 	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: <ul style="list-style-type: none"> controls or processes personal data of at least 100k consumers; or controls or processes personal data of at least 25k consumers and derives more than 50% of gross revenue 	Persons that conduct business in IA or produce products or services that are targeted to residents of IA, and one of the following: <ul style="list-style-type: none"> controls or processes personal data of at least 100k consumers; or controls or processes personal data of at least 25k consumers and derives over 50% of its gross 	Persons that conduct business in MT or produce products or services targeted to MT residents and: <ul style="list-style-type: none"> 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 	Persons that conduct business in TN or produce products or services targeted to TN residents and: <ul style="list-style-type: none"> 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 	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: <ul style="list-style-type: none"> during a calendar year, controls or processes personal data of 100k or more consumers; or derives more than 50% of its gross revenue from the sale of 	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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State	California	Colorado	Connecticut	Indiana	Iowa	Montana	Tennessee	Texas	Utah	Virginia
	<p>households annually; or</p> <ul style="list-style-type: none"> derives 50% or more of its annual revenue selling or sharing consumers' personal data. <p>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</p>	discounted goods or services, from the sale of the personal data of at least 25k consumers.	data of not less than 25K consumers and derived more than 25% of its gross revenue from the sale of personal data.	from the sale of personal data.	revenue from the sale of personal data.	consumers and derives more than 25% of gross revenue for the sale of personal data.	and derive more than 50% of its gross revenue from the sale of personal data.		personal data and controls or processes personal data of 25k or more consumers.	



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State	California	Colorado	Connecticut	Indiana	Iowa	Montana	Tennessee	Texas	Utah	Virginia
Entity exceptions/exemptions	paid. money is exchanged. Non-profit companies and government agencies	None specified	<ul style="list-style-type: none"> State agencies Non-profit organizations Institutions of higher education Registered national securities associations Financial institution subject to GLB Act Covered entity or business associate 	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> State agencies Financial institutions and their affiliates Data subject to GLB Act Persons subject to HIPAA Non-profit organizations Institutions of higher education 	<ul style="list-style-type: none"> State agencies Non-profit organizations Registered national securities association Financial institutions subject to GLB Act Covered entity or business associate subject to HIPAA 	TN has a long list of categories of exempt entities, including: <ul style="list-style-type: none"> State agencies Financial institutions subject to GLB Act Insurance companies licensed in TN Non-profit organizations Institutions of higher education 	<ul style="list-style-type: none"> State agencies Financial institutions subject to GLB Act Covered entity or business associate subject to HIPAA Non-profit organizations Institutions of higher education 	<ul style="list-style-type: none"> 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	Indiana	Iowa	Montana	Tennessee	Texas	Utah	Virginia
			under HIPAA							
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.	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 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.	<ul style="list-style-type: none"> • 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	Information that is linked to, or reasonably linkable to, an identified or identifiable individual.	Information that is linked or reasonably linked 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.	Information that identifies, relates to, or describes a particular consumer or is reasonably	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.



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State	California	Colorado	Connecticut	Indiana	Iowa	Montana	Tennessee	Texas	Utah	Virginia
	reasonably linked with a consumer or household.						capable of being directly or indirectly associated or linked with a particular consumer.			
Excluded data	Publicly available information from government records De-identified and aggregate consumer data Data subject to federal privacy regulations such as Gramm-Leach-Bliley, FCRA, and HIPAA.	De-identified data and publicly available information Data subject to federal privacy regulations such as Gramm-Leach-Bliley, FCRA, COPPA, FERPA, and HIPAA.	De-identified data and publicly available information.	De-identified data, aggregate data, and publicly available information.	De-identified data, aggregate data, and publicly available information.	De-identified data and publicly available information. MT has a list of 18 categories of data that is excluded (many related to health care), including: <ul style="list-style-type: none"> • PHI under HIPAA • Patient-identifying information 	De-identified data and publicly available information. TN has a list of several categories of data that is excluded (including several related to health care), including: <ul style="list-style-type: none"> • PHI under HIPAA • Protected PHI under HIPAA • Information maintained by a covered entity or business associate under HIPAA • Health records and patient-identifying info • Certain information collected for 	<ul style="list-style-type: none"> • De-identified data • Protected PHI under HIPAA • Information maintained by a covered entity or business associate under HIPAA • Health records and patient-identifying info • Certain information collected for 	De-identified data, aggregate data, and publicly available information.	<ul style="list-style-type: none"> • De-identified data and publicly available information • Information processed in connection with human resources and benefits administration, including information about employees and job applicants



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State	California	Colorado	Connecticut	Indiana	Iowa	Montana	Tennessee	Texas	Utah	Virginia
						<ul style="list-style-type: none"> • Certain information collected for research • Information subject to FCPA • Information subject to FERPA • Emergency contact information 	<ul style="list-style-type: none"> • PHI under HIPAA • Patient-identifying information • Certain information collected for research • Information subject to FCPA • Information subject to FERPA • Emergency contact information 	<ul style="list-style-type: none"> • 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. 		<ul style="list-style-type: none"> • 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,	Prior to use, must obtain consent, or consent from the	A consumer's sensitive data may not be processed without	A consumer's sensitive data may not be processed without obtaining	A consumer's sensitive data may not be processed without the consumer having	A consumer's sensitive data may not be processed without obtaining	A consumer's sensitive data may not be processed without	A consumer's sensitive data may not be processed without obtaining the consumer's consent.	A controller may not process sensitive data without first presenting the consumer with a	A consumer's sensitive data may not be processed without obtaining



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	including opt-out requirements, opt-in consent requirements for use and disclosure, and purpose limitation requirements.	child's parent or guardian.	obtaining the consumer's consent. Children's sensitive data must be processed in accordance with COPPA.	the consumer's consent. Children's sensitive data must be processed in accordance with COPPA.	been presented with clear notice and an opportunity to opt out of such processing. Children's sensitive data must be processed in accordance with COPPA.	the consumer's consent. Children's sensitive data must be processed in accordance with COPPA.	obtaining the consumer's consent. Children's sensitive data must be processed in accordance with COPPA.	Children's sensitive data must be processed in accordance with COPPA.	clear notice and an opportunity to opt out. Children's sensitive data must be processed in accordance with COPPA.	the consumer's consent. 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
Right to Correct	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes
Right to Data Portability	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Right to Delete	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes



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Right to Opt-In for Sensitive Data Processing	No	Yes	Yes	Yes	No	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.	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.
Right to Non-Discrimination	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.	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 written notice to the consumer
Consent requirements	Must be a freely given, specific, informed and unambiguous, indicative of the	Must be a clear, affirmative act signifying the consumer's freely given,	Must be a clear affirmative act signifying a consumer's freely given,	Must be a clear affirmative act that signifies a consumer's freely given, specific,	Must be a clear affirmative act signifying a consumer's freely given, specific,	Must be a clear affirmative act that signifies a consumer's freely given, specific,	Must be a clear affirmative act that signifies a consumer's freely given,	Must be a clear affirmative act signifying a consumer's freely given, specific,	An affirmative act by a consumer that unambiguously indicates the consumer's	Must be a clear, affirmative act signifying a consumer's freely given, specific,



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	consumer's wishes.	specific, informed, and unambiguous agreement.	specific, informed and unambiguous agreement.	informed, and unambiguous agreement.	informed, and unambiguous agreement.	informed, and unambiguous agreement.	specific, informed, and unambiguous agreement.	informed, and unambiguous agreement.	voluntary and informed agreement to allow a person to process the consumer's personal data.	informed, and unambiguous agreement to process personal data.
Privacy notice required	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	No	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	No	No	No	No	No	No	No	No	No



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State	California	Colorado	Connecticut	Indiana	Iowa	Montana	Tennessee	Texas	Utah	Virginia
	greater), per consumer, per incident.									
Enforcement and Investigations	<p>Consumers may file complaints with the CPPA.</p> <p>The CPPA may conduct investigations and audits in response to a complaint or on its own initiative.</p> <p>Enforcement by the CA AG and the California Privacy Protection Agency (CPPA).</p>	<p>CO AG and DAs have exclusive enforcement authority.</p> <p>CO AG and DAs issue a written notice of violation with a 60-day cure period (until January 1, 2025)..</p>	<p>CT AG has exclusive enforcement authority.</p> <p>CT AG issues a written notice of violation with a 60-day cure period.</p>	<p>IN AG has exclusive enforcement authority.</p> <p>IN AG issues a written notice of violation with a 30-day cure period.</p>	<p>IA AG has exclusive enforcement authority.</p> <p>IA AG issues a written notice of violation with a 90-day cure period.</p>	<p>MT AG has exclusive enforcement authority.</p> <p>MT AG issues a written notice of violation with a 60-day cure period.</p>	<p>TN AG has exclusive enforcement authority.</p> <p>TN AG issues a written notice of violation with a 60-day cure period.</p>	<p>TX AG has exclusive enforcement authority.</p> <p>TX AG issues a written notice of violation with a 60-day cure period.</p>	<p>UT AG has exclusive enforcement authority.</p> <p>UT AG issues a written notice of violation with a 30-day cure period.</p>	<p>VA AG has exclusive enforcement authority.</p> <p>VA AG issues a written notice of violation with a 30-day cure period.</p>
Penalties and Fines	Fines of up to \$2,500 for violations and	Civil penalties under the Colorado	Civil penalties under the Connecticut	Civil penalties up to \$7,500 per violation.	Civil penalties up to \$7,500 per violation (each	No specific penalties specified.	Civil penalties of up to \$15,000 per violation.	Civil penalties of up to \$7,500 per violation.	Actual damages to consumer	Civil penalties of up to \$7,500 per violation.



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	\$7,500 for intentional violations involving consumers under 16.	Consumer Protection Act of \$2,000 up to \$20,000 per violation.	Unfair Trade Practices Act of up to \$5,000 per violation.		consumer counts as a separate 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.	AG may recover reasonable expenses of investigating and preparing the case, including attorneys' fees.