

General Data Privacy—State Legislation

(as of July 22, 2020)

ALABAMA	
Citation	HB54: Pre-filed
Overview	<p>*Applies to state agencies only</p> <p>Restricts the sale of AL citizens’ personal information by a state agency to a third party.</p>

ARIZONA	
Citation	SB 1614: Adjourned – No Carryover
Overview	<p>Applies to:</p> <ul style="list-style-type: none"> • Any business with annual gross revenues in excess of \$15M; • Receives/sells/shares any personal information of 50,000 customers or more, and • Derives 50% or more of its annual revenues from selling consumers’ information. <p>Gives consumers the right to request:</p> <ul style="list-style-type: none"> • The deletion of personal information collected; • Information the business has collected about the consumer to be delivered within 45 days. <p>Non-discrimination provision</p>
Enforcement	Attorney General
Opt-out/Opt-in	<p>Opt-out</p> <p>Opt-in for consumers under the age of 16. If the consumer is under the age of 13 then the legal guardian must opt-in.</p>
Notice Requirement	<ul style="list-style-type: none"> • Must provide notice of selling to a third party • Must provide at least a toll-free number and website to opt-out • Must provide a clear and conspicuous link on the home page entitled “Do Not Sell My Personal Information” to opt-out and provide privacy rights.

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ARIZONA	
Citation	HB2729: Adjourned – No Carryover
Overview	<p>Applies to:</p> <ul style="list-style-type: none"> • Any legal entity with annual gross revenue of at least \$25M, • Controls or processes the data of at least 100K consumers, and • Derives over 35% of gross revenue from the sale of information of at least 25K consumers. <p>Gives consumers the right to:</p> <ul style="list-style-type: none"> • Request correction or deletion of information
Enforcement	Attorney General
Exemptions	HIPAA, GLBA, FCRA
Opt-out/Opt-in	Opt-out
Notice Requirement	<p>The entity must provide:</p> <ul style="list-style-type: none"> • Categories of data • Purposes for use of data

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CALIFORNIA	
Citation	<p>Cal. Civ. Code §§ 1798.100-198</p> <p>Amendments Passed: AB 874 AB 25 AB 1355</p> <p>Amendments Proposed: AB713* (Second reading; exempts info collected for biomedical research) AB3119 (In Committee; redefines “sell” information to “share” information; “share” = for monetary gain or consideration; also adds “opt-in consent”) AB 2751 (In Committee; revises definition of “deidentified”; cannot be used to infer other information about/linked to a consumer; business must take “reasonable measures”)</p>
Overview	<p>Gives consumers the right to request that a business:</p> <ul style="list-style-type: none"> • Disclose the categories and specific pieces of personal information collected; • Delete any personal information; • Disclose categories of sources the information was collected from; • Disclose the business purpose for collecting the information; and • Disclose the categories of third parties with whom the information is shared, and the specific pieces of personal information that was shared.
Enforcement	<ul style="list-style-type: none"> • Attorney General • Private Right of Action for security violations only
Exemptions	<p>Total Exemption: HIPAA</p> <p>Partial Exemption:</p> <ul style="list-style-type: none"> • GLBA, Driver Privacy Protection Act (DPPA), consumer Reports. • §1798.150 allows for private action for security violations against GLBA and DPPA compliant entities • Employee data is exempt for 2021. • Right to opt-out of the sale of personal information shared between a vehicle dealer and manufacturer. <p>*Proposed amendment would exempt deidentified protected health information and personal information collected for biomedical research.</p>

CALIFORNIA (cont.)

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CALIFORNIA (cont.)	
Opt-out/Opt-in	<p>Opt-out</p> <p>Opt-in for consumers under the age of 16. If the consumer is under the age of 13 then the legal guardian must opt-in</p>
Notice Requirement	<p>The business must disclose the following information in an online privacy policy:</p> <ul style="list-style-type: none"> • A description of consumers’ right to request disclosures about personal information collected; • A description of consumers’ right to request information about any sale or disclosure of their personal information; • A statement of consumers protection against discrimination; • A list of the categories of personal information collected about consumers in the past 12 months; • A list of the categories of personal information the business has sold in the past 12 months; and • A list of categories of personal information it as disclosed about consumers for a business purpose in the preceding 12 months.

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CONNECTICUT	
Citation	SB 134: Adjourned – No Carryover
Overview	<p>Applies to businesses that collect consumers’ personal information and do business in the state satisfy one or more of the following:</p> <ul style="list-style-type: none"> • Gross annual revenues in excess of \$25M; • Annually buys/receives/sell/shares information of 50K or more consumers households or devices; • Derives 50% or more of annual revenues from selling personal information. <p>Gives consumers the right to:</p> <ul style="list-style-type: none"> • Request disclosure (in a portable format) of: <ul style="list-style-type: none"> ○ Categories/specific pieces/purposes/sources/categories of third parties of info; ○ Delete any info. <p>Consumer can opt-in to incentives for sharing information.</p> <ul style="list-style-type: none"> • Shall not discriminate for opt-out; • Shall not restrict business’ ability to comply with federal, state, or local laws or investigations; • Does not apply if every aspect of commercial conduct of the collection or sale of consumer info takes place wholly outside the state.
Enforcement	Attorney General
Exemptions	HIPPA, GLBA, FCRA, DPPA
Opt-out/Opt-in	<p>Opt-out of third-party sales</p> <p>Opt-in for consumers under the age of 16. If the consumer is under the age of 13 then the legal guardian must opt-in.</p>
Notice Requirement	<p>Must make available two or more methods for submitting requests.</p> <p>Must disclose consumer’s rights.</p> <p>Must disclose categories collected and sold within the past 12 months.</p> <p>Shall provide a clear and conspicuous link on the homepage entitled “Do Not Sell My Personal Information”.</p>

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FLORIDA	
Citation	HB 963/SB 1670: Died in session/withdrawn
Overview	<p>Does not apply to: Section does not apply to operators who are located in the state, whose revenue is derived primarily from a source other than the sale or lease of goods, services, or credit on websites or online services, or whose website or online service has fewer than 20,000 unique visitors per year.</p> <p>Consumers have the right to: Consumers may make requests to operators not to sell personal information.</p>
Enforcement	Department of Legal Affairs
Exemptions	GLBA (financial institutions or affiliates) HIPAA
Opt-out/Opt-in	Opt-in for public records requested from state agencies to be used for marketing/soliciting/contact.
Notice Requirement	Must notify consumers of the types of information collected, disclose whether a third party may collect through operator’s website.

HAWAII	
Citation	HCR 225: Adopted Report required to Legislature by 12/1/19.
Overview	Establishes the twenty-first century privacy task force to examine and recommend laws and regulations to update privacy laws.

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HAWAII	
Citation	<p>SB 418: Adjourned – No Carryover</p> <p>HB2572: (only applies to geolocation data); In Committee</p>
Overview	<p>Applies to:</p> <ul style="list-style-type: none"> • Any business that owns or licenses personal information of residents of Hawaii <p>Consumers have the right to:</p> <ul style="list-style-type: none"> • Request deletion of data; • Disclosure of their information. <p>Non-discrimination clause.</p>
Enforcement	Office of Consumer Protection
Opt-out/Opt-in	<p>Opt-out</p> <p>Opt-in for consumers under the age of 16. If the consumer is under the age of 13 then the legal guardian must opt-in.</p>
Notice Requirement	<p>Notice must include:</p> <ul style="list-style-type: none"> • Disclose the categories and specific identifying information upon request; • Disclose the identity of the third parties buying the information; • Publicly disclose the categories of information that is collected; • Delete collected information upon request; and • Not discriminate against those who Opt-out of their information being sold. <p>At or before collection of information the consumer has to be notified as to the categories of information that will be collected and the purpose.</p> <p>Notification of breach must be given without unreasonable delay.</p>

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ILLINOIS	
Citation	410 ILL. COMP. STAT. ANN.; 513/20
Overview	<p>An insurer may not seek information derived from genetic testing for use in connection with a policy of accident and health insurance. Except as provided in subsection (c), an insurer that receives information derived from genetic testing, regardless of the source of that information, may not use the information for a nontherapeutic purpose as it relates to a policy of accident and health insurance.</p> <p>A company providing direct-to-consumer commercial genetic testing is prohibited from sharing any genetic test information or other personally identifiable information about a consumer with any health or life insurance company without written consent from the consumer.</p>

ILLINOIS	
Citation	HB 3358: Adjourned – No Carryover; “Data Privacy and Transparency Act”
Overview	<p>Applies to entities that satisfy one or more of the following:</p> <ul style="list-style-type: none"> • Annual gross revenues in excess of \$25M; • Annually buys/receives/sells/shares info of 50K or more consumers, households, or devices; • Derives 50% or more annual revenues from selling info. <p>Applies to operators of websites: Provides that an entity that collects through the internet personal information about individual consumers must make disclosures to the individual regarding the collection of the information.</p> <ul style="list-style-type: none"> • Shall not restrict business’ ability to comply with federal, state, or local laws or investigations; • Does not apply if a consumer’s conduct takes place wholly outside the state.
Enforcement	<ul style="list-style-type: none"> • Attorney General • No Private Right of Enforcement allowed.
Exemptions	Total Exemptions: HIPAA, GLBA
Opt-out/Opt-in	Opt-out
Notice Requirement	<p>Operator must provide the consumer a notice that includes:</p> <ul style="list-style-type: none"> • All categories of personal information that the operator processes; • All categories of third parties with whom the operator may disclose personal information; • Whether a third party may collect personal information when the consumer uses the operator’s website; • Describe the notification process of material changes in the collection process and the effective date; and • A description of the consumers right and a contact address for the operator.

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ILLINOIS	
Citation	SB 2330: Adjourned – No Carryover; “Data Transparency and Privacy Act”
Overview	<p>Applies to businesses that meet one or more of these:</p> <ul style="list-style-type: none"> • Collects or discloses personal information of 50,000 or more persons, households, or a combination of both; • Derives 50% or more of its annual revenues from selling consumers’ personal information. <p>The consumer has the right to request from the controller the following:</p> <ul style="list-style-type: none"> • Disclosure of information regarding a consumer’s personal information; • Correct any incorrect information; • Delete the collected information, subject to limitations; • Third parties disclosed or sold to; • Right to opt-out/correct/delete information; • Right to receive data in a portable format. <p>Consumer can opt-in to incentives for sharing information.</p> <ul style="list-style-type: none"> • Shall not discriminate for opt-out; • Shall not restrict business’ ability to comply with federal, state, or local laws or investigations.
Enforcement	<ul style="list-style-type: none"> • Attorney General • Private Right of Action
Exemptions	<p>Total Exemptions: HIPAA, GLBA, Fair Credit Reporting Act (FCRA)</p> <ul style="list-style-type: none"> • Using personal information to sell targeted advertising space to a third party as long as info is not sold to third party.
Opt-out/Opt-in	Opt-out
Notice Requirement	<p>Business must provide notice of:</p> <ul style="list-style-type: none"> • Categories of information; • Categories of third party disclosed or sold to; • Process for opt out/deletion/changes. <p>Business must provide a notice that includes the following:</p> <ul style="list-style-type: none"> • Categories of personal data collected; • The purposes for which the categories of personal data id used and disclosed; • The consumer’s rights; • The categories of personal data that is shared with third parties; and • Categories of third parties.

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ILLINOIS	
Citation	HB5603: Adjourned – No Carryover; “Consumer Privacy Act”; (establishes the Consumer Privacy Fund)
Overview	<p>Applies to businesses that satisfy one or more of the following thresholds:</p> <ul style="list-style-type: none"> • Annual gross revenues in excess of \$25M; • Annually buys/receives/sells/shares information of 50K or more consumers, households or devices; • Derives 50% or more of its annual revenues from selling the information. <p>Consumer has the right to request:</p> <ul style="list-style-type: none"> • Disclosure of categories/specific pieces of information collected and purposes; • Disclosure of categories of third parties of when information is shared or sold; • Deletion of information. <p>Consumer can opt-in to incentives for sharing information.</p> <ul style="list-style-type: none"> • Shall not discriminate for opt-out; • Shall not restrict business’ ability to comply with federal, state, or local laws or investigations.
Enforcement	<ul style="list-style-type: none"> • Private Right of Action • Attorney General
Exemptions	HIPAA, GLBA, FCRA, DPPA
Opt-out/Opt-in	<p>Opt-out of selling information</p> <p>Opt-in for consumers under the age of 16. If the consumer is under the age of 13 then the legal guardian must opt-in.</p>
Notice Requirement	<p>Shall disclose:</p> <ul style="list-style-type: none"> • Categories of: <ul style="list-style-type: none"> ○ Information ○ Sources ○ Business purposes ○ Sold to third parties • Specific pieces of information • Consumer rights • How to submit requests <p>Shall provide a clear and conspicuous link on the homepage entitled “Do Not Sell My Personal Information”.</p> <p>Must make available two or more methods for submitting requests.</p>

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ILLINOIS	
Citation	SB2263: Adjourned – No Carryover
Overview	<p>Applies to:</p> <ul style="list-style-type: none"> • Legal entities conducting business in Illinois or targeting residents of Illinois that satisfies one or more: <ul style="list-style-type: none"> ○ Controls or processes personal data of 100K or more consumers; ○ Derives over 50% of gross revenue from sale of personal data and processes or controls personal data of 25K consumers or more. <p>Consumers have the right to:</p> <ul style="list-style-type: none"> • Request a copy of their information • Request collection or deletion of data
Enforcement	<ul style="list-style-type: none"> • Attorney General • No Private Right of Action
Exemptions	HIPAA; GLBA; FCRA; DPPA
Opt-out/Opt-in	Opt-in
Notice Requirement	<p>Must provide notice of:</p> <ul style="list-style-type: none"> • Categories of data collected; • Purpose and use of data collected; • Consumer’s rights; • Categories of info shared with third parties.

LOUISIANA	
Citation	LA HR 249: Adopted
Overview	Established a task force to study the effects of the sale of consumer personal information by internet access service providers, social media companies, search engines, or other websites and providers of online services that may collect and sell consumer personal information.

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MAINE	
Citation	ME. REV. STAT. tit. 35-A, § 94 (2019): Only applies to internet service providers SP275/LD946
Overview	A provider may not use, disclose, sell, or permit access to customer personal information, except as otherwise provided.
Opt-out/Opt-in	Opt-in
Notice Requirement	The business must provide a clear, conspicuous and nondeceptive notice at the point of sale and on the provider's publicly accessible website of the provider's obligations and the customer's rights pursuant to this title.

MARYLAND	
Citation	HB1656: Adjourned – No Carryover
Overview	<p>Applies to a legal entity:</p> <ul style="list-style-type: none"> • Satisfies one or more of the following: <ul style="list-style-type: none"> ○ Annual gross revenue in excess of \$25M; ○ Buys or Sells consumer data of 50K or more consumers annually; ○ Derives a least one-half of its annual revenues from selling consumers' information. <p>Consumer has the right to request:</p> <ul style="list-style-type: none"> • Copy of the information; • Deletion of information. <p>Non-discrimination clause</p>
Enforcement	<ul style="list-style-type: none"> • Attorney General • Private Right of Action allowed.
Exemptions	HIPAA, FCRA, GLBA, DPPA
Opt-out/Opt-in	Opt-out
Notice Requirement	<p>Must provide notice of:</p> <ul style="list-style-type: none"> • Categories and purposes of information collected; • Categories of third parties info is sold to; • Business purpose of disclosure; • Consumers' rights.

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MARYLAND	
Citation	SB 957/HB 784*: Adjourned – No Carryover
Overview	<p>Applies to businesses that satisfy one or more of the following thresholds:</p> <ul style="list-style-type: none"> • Annual gross revenue in excess of \$25M; • Uses personal information for commercial purposes of 100K consumers, households, devices annually; • Derives at least one-half of its annual revenues from selling personal information. <p>The consumer has the right to request from a business the following:</p> <ul style="list-style-type: none"> • Deletion of any personal information collected; • Disclosure of the specific pieces of personal information collected; • Disclosure of the sources from which the business collects personal information; and • Disclosure of the names of the third parties that the personal information is disclosed to and the business purpose of the disclosure. <p>*HB 784 only requires Maryland Cybersecurity Council to conduct a study; cross-filed with SB 957</p>
Enforcement	Attorney General
Exemptions	<p>Total Exemptions: Employee data collection, HIPAA, FCRA, GLBA, and DPPA</p>
Opt-out/Opt-in	Opt-out
Notice Requirement	<p>A business must provide consumers with a notice that includes:</p> <ul style="list-style-type: none"> • The categories of personal information collected for both the business and third parties; • The business purpose for collecting the personal information for both the business and third parties • The consumers rights under this act.

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MASSACHUSETTS	
Citation	MA SB 120: Adjourned – No Carryover
Overview	<p>The consumer shall have the right to request:</p> <ul style="list-style-type: none"> • The categories of personal information that the business is collecting; • The business purpose for the collection of personal information; • The categories of third parties with whom the business discloses the information, and the business reason for the disclosure; and • The deletion of the consumer’s personal information.
Enforcement	<ul style="list-style-type: none"> • Attorney General • Private Right of Action
Exemptions	<p>Total Exemptions: GLBA, HIPAA, and Others.</p>
Opt-out/Opt-in	<p>Opt-out</p> <p>The business shall not disclose the personal information of a consumer under 18 years old.</p>
Notice Requirement	<p>A business at or before the point of collection must notify a consumer of:</p> <ul style="list-style-type: none"> • The categories of personal information the business will collect about that consumer; • The business purposes for which the categories of personal information shall be used; • The categories of third parties with whom the business discloses personal information; • The business purpose for third party disclosure; and • The consumer’s rights

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MINNESOTA	
Citation	HF3936/SF4247: Adjourned – No Carryover
Overview	<p>Applies to legal entities that meet at least one of the following:</p> <ul style="list-style-type: none"> • Annually control or process data of 100K consumers or more; • Derive over 50% of gross revenue from the sale of personal data of 25K consumers or more. <p>Consumers have the right to:</p> <ul style="list-style-type: none"> • Access the information; • Delete or correct; • Receive it in a portable manner. <p>Nondiscrimination clause</p>
Enforcement	Attorney General
Exemptions	HIPAA, FCRA, GLBA, DPPA
Opt-out/Opt-in	Opt-out
Notice Requirement	<p>Must notify the:</p> <ul style="list-style-type: none"> • Categories and purposes of data collected; • Categories of third parties; • Consumers’ rights and ways to submit a request.

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MINNESOTA	
Citation	HF 2917: Adjourned – No Carryover SF 2912: Adjourned – No Carryover
Overview	<p>The consumer has the right to request the following from a controller:</p> <ul style="list-style-type: none"> • Confirmation of whether personal data is being processed by the controller; • Whether that data is being sold to data brokers; • Access to the personal data the controller maintains; • Correction of any incorrect personal data; • Deletion of any personal data; and • Restriction of the processing of personal data.
Enforcement	Attorney General
Exemptions	<p>Total Exemptions: HIPAA, GLBA, and Federal Health Information Technology for Economic and Clinical Health Act (FHITECHA)</p>
Opt-out/Opt-in	Opt-out
Notice Requirement	<p>Controllers must make available a clear privacy notice that includes:</p> <ul style="list-style-type: none"> • Categories of personal data the controller collects; • Purposes the categories of personal data are used and disclosed to third parties for, if any; • Rights consumers may exercise; • Categories of personal data the controller shares with third parties; • The categories of third parties with whom the personal data is shared or sold.

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MISSISSIPPI	
Citation	SB2548: Died In Committee; “Mississippi Consumer Data Privacy Act”
Overview	<p>Applies to businesses that satisfy one or more of the following thresholds:</p> <ul style="list-style-type: none"> • Annual gross revenues in excess of \$10M; • Annually buys/receives/sells/shares information of 50K or more consumers, households or devices; • Derives 50% or more of its annual revenues from selling the information. <p>Consumers have rights to request disclosure of:</p> <ul style="list-style-type: none"> • Categories/specific pieces of information collected/sold; • Categories of sources; • Business purpose; • Categories of third parties sold to; • Deletion of information; • Shall not discriminate for opt-out; • Shall not restrict business’ ability to comply with federal, state, or local laws or investigations; • Does not apply if every aspect of commercial conduct of the collection or sale of consumer info takes place wholly outside the state.
Enforcement	<ul style="list-style-type: none"> • Private Right of Action • Attorney General
Exemptions	Supersedes all other laws issued at a lower level.
Opt-out/Opt-in	<p>Opt-out of selling info</p> <p>Opt-in for consumers under the age of 16. If the consumer is under the age of 13 then the legal guardian must opt-in.</p>
Notice Requirement	<p>Businesses must:</p> <ul style="list-style-type: none"> • Disclose consumer rights <p>Shall provide a clear and conspicuous link on the homepage entitled “Do Not Sell My Personal Information”</p> <p>Must make available two or more methods for submitting requests</p>

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NEBRASKA	
Citation	LB 746: In Committee
Overview	<p>The consumer has the right to request the following:</p> <ul style="list-style-type: none"> • The categories, sources, and business or commercial purposes for the business or a third party collecting the information; • The specific pieces of information collected; • To not have their personal information sold; • To have the personal information deleted.
Exemptions	GLBA, HIPAA, FCRA, Nebraska’s Uniform Motor Vehicle Records Disclosure Act
Opt-out/Opt-in	<p>Opt-out</p> <p>Opt-in for consumers under the age of 16. If the consumer is under the age of 13 then the legal guardian must opt-in.</p>
Notice Requirement	<ul style="list-style-type: none"> • The information may be sold • Make available two or more designated methods for submitting requests for disclosure of information • Provide a clear and conspicuous link on the homepage entitled “Do Not Sell My Personal Information” that links to a form to opt-out and consumer’s rights

NEVADA	
Citation	Nev. Rev. Stat. Ann. §603A.300 (2019)
Overview	A consumer may request that the operator not sell any covered information the operator has collected or will collect about the consumer.
Enforcement	<ul style="list-style-type: none"> • Attorney General • Private Right of Action
Exemptions	<p>Total exemptions:</p> <p>GLBA, HIPAA, and Vehicle Manufacturers and repairers.</p>
Opt-out/Opt-in	Opt-out
Notice Requirement	An internet website or online service which collects personally identifiable information must make available a notice containing certain information relating to the privacy of covered information collected by the operator.

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NEW HAMPSHIRE	
Citation	SB 1680: Adjourned – No Carryover
Overview	<p>Applies to businesses that satisfy one or more of the following thresholds:</p> <ul style="list-style-type: none"> • Annual gross revenue in excess of \$25M • Uses personal information for commercial purposes of 50K consumers, households, devices annually • Derives 50% or more of its annual revenue from selling personal information <p>The consumer has the right to request the following:</p> <ul style="list-style-type: none"> • The categories, sources, and business or commercial purposes for the business or a third party collecting the information • The specific pieces of information collected • To not have their personal information sold • To have the personal information deleted
Enforcement	<ul style="list-style-type: none"> • Attorney General • Private Right of Action
Exemptions	HIPAA, GLBA, FCRA, DPPA
Opt-out/Opt-in	<p>Opt-out</p> <p>Opt-in for consumers under the age of 16. If the consumer is under the age of 13 then the legal guardian must opt-in.</p>
Notice Requirement	<ul style="list-style-type: none"> • Make available two or more designated methods for submitting requests for disclosure of information; • Provide a clear and conspicuous link on the homepage entitled “Do Not Sell My Personal Information” that links to a form to opt-out and consumer’s rights.

NEW HAMPSHIRE	
Citation	HB1236: Adjourned – No Carryover
Overview	Establishes a Private Right of Action for violations of an individual’s expectation of privacy.
Enforcement	Private Right of Action allowed.

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NEW JERSEY	
Citation	A2188: In Committee
Overview	Commercial internet website and online service operators must make the following information available to the consumer upon their request, if the operator discloses their personal information to a third party: <ul style="list-style-type: none"> • The consumer’s personal information that was disclosed to the third party; and • The contact information of the third party.
Enforcement	Director of the Division of Consumer Affairs in the Department of Law and Public Safety
Notice Requirement	Notification must include: <ul style="list-style-type: none"> • A complete description of the personally identifiable information that the operator collects; • All third parties with which the operator may disclose a customer’s personally identifiable information; and • Information concerning one or more designated request addresses.

NEW JERSEY	
Citation	AB 4640; SB 3153: In Committee
Overview	A business that collects a data subject’s personally identifiable information shall make the following information available to the data subject free of charge upon receipt of a request from the data subject for this information through a designated request address: <ul style="list-style-type: none"> • Confirmation that the data subject’s personally identifiable information is, or has been, processed; and • A copy of the data subject’s personally identifiable information that has been processed that the data subject can access in a structured and commonly used machine-readable format.
Enforcement	Director of the Division of Consumer Affairs
Opt-out/Opt-in	Opt-out
Notice Requirement	A business that collects a data subject’s personally identifiable information shall, at or before the point of collection, state the following: <ul style="list-style-type: none"> • A complete description of the personally identifiable information that the business collects about a data subject and the means by which a business collects the personally identifiable information; • The purpose and legal basis for the processing of the personally identifiable information; • All third parties with which the business may disclose a data subject’s personally identifiable information; • The purpose of the disclosure of personally identifiable information, including whether the business profits from the disclosure; and • The contact information of the person employed at the business responsible for personally identifiable information data protection, where applicable.

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NEW JERSEY	
Citation	S 1257: In Committee
Overview	<p>Gives consumers the right to request that a business:</p> <ul style="list-style-type: none"> • Opt out of the sale of the consumer’s personally identifiable information • Review and request changes to any of the personally identifiable information collected <p>Applies to:</p> <ul style="list-style-type: none"> • Any entity that operates a commercial Internet website or online service.
Enforcement	Attorney General
Exemptions	HIPAA, GLBA, DPPA, and FCRA
Opt-out/Opt-in	Opt-out
Notice Requirement	<p>Requires operators to disclose:</p> <ul style="list-style-type: none"> • Categories of information collected by operator and 3rd party; • Categories of information disclosed. <p>Category of third parties that received information.</p>

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NEW JERSEY	
Citation	A3283: “New Jersey Disclosure and Accountability Transparency Act”; In Committee
Overview	<p>Applies to:</p> <ul style="list-style-type: none"> • Controllers – persons or legal entities that collect, maintain, and determine the purposes and means of processing PII <p>Consumers have the right to:</p> <ul style="list-style-type: none"> • Request deletion, correction, or restriction of information • Object to disclosure to a third party <p>Establishes the Office of Data Protection and Responsible Use.</p>
Enforcement	Newly established Office of Data Protection and Responsible Use
Exemptions	HIPAA, GLBA, DPPA, FCRA
Opt-out/Opt-in	Opt-in
Notice Requirement	<p>Controller must give notice of:</p> <ul style="list-style-type: none"> • Categories of information collected; • Categories of all processors and third parties; • Purpose of processing the information; • Description of process that allows consumers to review and correct information.

General Data Privacy—State Legislation

(as of July 22, 2020)

NEW JERSEY	
Citation	A3255: In Committee
Overview	<p>Applies to legal entities that satisfy one or more of the following thresholds:</p> <ul style="list-style-type: none"> • Does business in the state • Has an annual gross revenue of \$25M or more • Derives 50% or more of its annual revenue from selling consumer information • Buys, receives, sells, for commercial purposes the info of at least 50K consumers <p>Consumers have the right to:</p> <ul style="list-style-type: none"> • Request deletion of information • Request information in a portable format <p>Non-discrimination clause</p>
Enforcement	Attorney General
Exemptions	HIPAA, FCRA, GLBA, DPPA
Opt-out/Opt-in	Opt-in
Notice Requirement	<p>Must give notice of:</p> <ul style="list-style-type: none"> • Categories of information; • Categories of third parties; • Consumers’ rights and how to exercise those rights.

NEW YORK	
Citation	S224/A3739: “Right to Know Act of 2019”; In Committee
Overview	<p>A business that retains a customer’s personal information shall make available all of the customer’s personal information that was retained, at no cost to the customer.</p> <p>A business that discloses personal information to a third party, shall make the categories of personal information and the contact information of the third-party available to the customer.</p>
Enforcement	<ul style="list-style-type: none"> • Private Right of Action • Attorney General; District Attorney; City Attorney; City Prosecutor
Notice Requirement	Must provide notice of consumer’s rights.

General Data Privacy—State Legislation

(as of July 22, 2020)

NEW YORK	
Citation	S5642/A08526; NY Privacy Act; In Committee
Overview	<p>Consumers have the right to:</p> <ul style="list-style-type: none"> • Confirm whether or not personal data concerning the consumer is being processed by the controller; • Determine whether the person data is sold to data brokers; • Provide access to the personal data and the names of third parties to whom the personal data is sold or licensed; and • Correct any mistakes in the data, or for the controller to delete the data. <p>Applies to controllers defined as:</p> <ul style="list-style-type: none"> • Natural or legal person who determines the purposes and means of the processing data
Enforcement	<ul style="list-style-type: none"> • Attorney General • Private Right of Action
Exemptions	<p>Total Exemptions: HIPAA, FHITECHA, and GLBA</p>
Opt-out/Opt-in	Can either opt-in or opt-out, but the consumer has to affirmatively indicate their consent or denial of consent.
Notice Requirement	<p>The controller must provide a privacy notice that is easily understood, and which includes:</p> <ul style="list-style-type: none"> • The categories of personal data that is collected; • The purposes for which the personal data is used and disclosed to third parties; • The rights that consumers may exercise; • The personal information that is shared with third parties; and • The contact information of the third parties.

General Data Privacy—State Legislation

(as of July 22, 2020)

NEW YORK	
Citation	A7736: “It’s your data act”; In Committee
Overview	<p>A consumer shall have the right to:</p> <ul style="list-style-type: none"> • Request that a business delete any personal information that they have collected; and • Request access to the specific pieces of personal information, specific sources of the personal information, and the business purpose for collecting the information. <p>Applies to businesses that satisfy one or more of the following:</p> <ul style="list-style-type: none"> • Annual gross revenues in excess of \$50M • Annually buys/receives personal information of 50K or more consumers • Derives 50% or more of its annual revenues from selling customer’s information
Enforcement	<ul style="list-style-type: none"> • Private Right of Action • Attorney General • County District Attorney or • City Corporation Counsel • Anti-discrimination clause
Exemptions	<p>Total Exemptions: HIPAA, Consumer report, GLBA, and DPPA</p>
Opt-out/Opt-in	<p>Opt-out for sale of data. Opt-in by written consent to share data outside what is reasonable usage or outside the initial disclosure</p>
Notice Requirement	<p>Notice is required for the following:</p> <ul style="list-style-type: none"> • Description of consumer’s rights; • Description of the personal information the business collects about consumers; • A description of the method of collection; • The specific purposes for collecting, disclosing or retaining personal information; • Description of the personal information it discloses about consumers; • The categories of third parties with whom the information is shared; and • How long the information is held. <p>Must make available two or more designated methods for submitting requests; a telephone number at a minimum, and a website address.</p>

General Data Privacy—State Legislation

(as of July 22, 2020)

NEW YORK	
Citation	A06351/S04411: In Committee
Overview	Consumers have the right to request following: <ul style="list-style-type: none"> • Disclosure of the categories of personal information collected; • Disclosure of the business purpose for the collection of personal information; • The business to not sell their personal information.
Enforcement	Attorney General
Opt-out/Opt-in	Opt-out
Notice Requirement	Notice of the sharing of personal information.

NEW YORK	
Citation	A03818/S05539: In Committee
Overview	No publisher of a webpage or advertising network contracted with a publisher shall collect personally identifiable information for the purposes of online preference marketing. This subdivision shall not apply to the collection of personally identifiable information provided to a publisher of a webpage or advertising network contracted with a publisher by the consumer with his or her consent.
Enforcement	Attorney General
Opt-out/Opt-in	Opt-out
Notice Requirement	An advertising network shall post clear and conspicuous notice on the home page of its own website: <ul style="list-style-type: none"> • Its privacy policy and its data collection and use practices related to its advertising delivery activities; • The collection and use of information by the advertising network; • Describe the ability to opt-out of online preference marketing by such network.

General Data Privacy—State Legislation

(as of July 22, 2020)

NORTH DAKOTA	
Citation	ND HB 1485: Adopted No information on taskforce results.
Overview	During the 2019-20 interim, the legislative management shall study protections, enforcement, and remedies regarding the disclosure of consumers' personal data. The study must include a review of privacy laws of other states and applicable federal law. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly.

PENNSYLVANIA	
Citation	PA HB 1049: In Committee (No reference to the bill dying on the PA site)
Overview	A consumer shall have the right to: <ul style="list-style-type: none"> • Know what personal information is being collected about the consumer; • Know whether the consumer's personal information is sold or disclosed and to whom; • Decline or opt out of the sale of the consumer's personal information; • Access the consumer's personal information that has been collected; and • Equal service and price, even if the consumer exercises their rights to privacy.
Enforcement	<ul style="list-style-type: none"> • Attorney General • Private Right of Action
Opt-out/Opt-in	Opt-out of their information being sold For children under the age of 16, their legal guardian must opt-in to the same of the consumers personal information.
Notice Requirement	The business shall provide notice to the consumers that their information may be sold and that a consumer has the right to opt out of the sale of their personal information at any time.

General Data Privacy—State Legislation

(as of July 22, 2020)

PUERTO RICO	
Citation	PS 1231: Referred to Committees: Consumer Affairs and Public Serviced Essential.
Overview	<p>The consumer has the right to:</p> <ul style="list-style-type: none"> • Know what personal information is being collected; • Know if collected personal information is transferred, sold or shared and to whom; • Access personal information in the custody of third parties; • Correct or correct information that is inaccurate or incomplete; • Oppose and cancel personal information that has been collected, stored, processed or transferred to third parties in contravention of the provisions of this Law.
Enforcement	<ul style="list-style-type: none"> • Secretary of the Department of Consumer Affairs • Private Right of Action
Exemptions	<p>Total Exemptions: HIPA and GLBA</p>
Opt-out/Opt-in	Opt-out
Notice Requirement	Must provide notice of the consumer’s rights pursuant to this Act.

RHODE ISLAND	
Citation	<p>H7778: In Committee</p> <p>“Rhode Island Data Transparency and Privacy Protection Act”</p>
Overview	<p>Applies to:</p> <ul style="list-style-type: none"> • Operators of a commercial website that collects and maintains PII from a RI resident • Does not include businesses with 10 or fewer employees or third parties who host sites <p>No specific consumer rights are noted.</p>
Enforcement	Attorney General
Opt-out/Opt-in	No provision noted
Notice Requirement	<p>Notice is required for the following:</p> <ul style="list-style-type: none"> • Categories of information collected and shared with third parties

General Data Privacy—State Legislation

(as of July 22, 2020)

SOUTH CAROLINA	
Citation	H4812: Introduced 1/14/20; In Committee
Overview	Applies only to biometric information Consumer has a right to: <ul style="list-style-type: none"> • Request the business disclosed the categories and specific pieces of information collected • Deletion of biometric information • Request information not be sold to third parties
Enforcement	Private Right of Action
Opt-out/Opt-in	Opt-in for collection and for consumers under the age of 16. If the consumer is under the age of 13 then the legal guardian must opt-in. Opt-out for sales to third parties.
Notice Requirement	The business shall: <ul style="list-style-type: none"> • Inform consumer of the specific and legitimate purpose for which the information may be used at or before the point of collection. The business must: <ul style="list-style-type: none"> • Provide a clear and conspicuous link on the website titled “Do Not Sell My Biometric Information” to enable consumer opt-out; • Include a description of consumer’s rights.

TEXAS	
Citation	HB 4390: Adopted
Overview	Added breach notification to TITEPA Creates a council that will: <ul style="list-style-type: none"> • Study and evaluate the laws that cover protection of information; and • Make recommendations to members of the legislature of specific changes to the privacy statutes.
Notice Requirement	Notification of breach.

General Data Privacy—State Legislation

(as of July 22, 2020)

VIRGINIA	
Citation	HB473: Continued to 2021 by voice vote
Overview	<p>Applies to:</p> <ul style="list-style-type: none"> • Entities that control or process personal data of not fewer than 100,000 consumers; or • Derive > 50% of gross revenue from the sale of personal data and processes or controls personal data of not fewer than 25,000 customers. <p>Consumer has a right to:</p> <ul style="list-style-type: none"> • A copy of the personal data in a portable format • Correct/delete/restrict data. <p>Controller must disclose:</p> <ul style="list-style-type: none"> • Categories of data collected/shared with third parties • Purpose for which data is collected/used.
Enforcement	AG
Exemptions	Total exemptions: HIPAA, GLBA, DPPA, FCRA
Opt-out/Opt-In	Opt-out

General Data Privacy—State Legislation

(as of July 22, 2020)

WASHINGTON	
Citation	SB 6281/HB 2742: Adjourned – No Carryover
Overview	<p>Upon a verified request from a consumer the controller must:</p> <ul style="list-style-type: none"> • Confirm whether personal data is being processed by the controller, including whether it is being sold to a data broker; • Correct inaccurate personal information; • Delete the consumers personal information; • Provide consumer data in a portable format; • Restrict processing of personal data; and • Provide, within reason, any personal data that the controller maintains.
Enforcement	<ul style="list-style-type: none"> • Attorney General • No Private Action Allowed
Exemptions	<p>Total Exemptions: HIPAA, GLBA, FFCA, and Others</p>
Opt-out/Opt-in	Opt-out
Notice Requirement	<p>Controller must make available a privacy notice that includes:</p> <ul style="list-style-type: none"> • Categories of personal information collected; • Purpose for which the data is used and disclosed to third parties; • The rights that consumers may exercise; • The categories of personal data that is shared with third parties; • The categories of third parties with whom the controller shares personal data; • The process for consumers to exercise their rights.

General Data Privacy—State Legislation

(as of July 22, 2020)

WISCONSIN	
Citation	SB851: Failed to pass pursuant to Senate Joint Resolution
Overview	<p>Applies to businesses that: Collect personal information for means of processing it</p> <ul style="list-style-type: none"> • Does business in the state and meets one of the following thresholds: <ul style="list-style-type: none"> ○ Annual gross revenues exceeding \$25M; ○ Buys/receives/sells/shares information on 50K or more consumers annually; ○ Derives 50% or more of its annual revenues from selling the information. <p>Consumer has right to request disclosure of:</p> <ul style="list-style-type: none"> • Categories of personal information collected/sold • Categories of sources of information collected/sold • Purposes for collecting • If the information has been sold • Categories of personal information sold to each third party • Deletion of information <p>Consumer can opt-in to incentives for sharing information.</p> <ul style="list-style-type: none"> • Shall not discriminate for opt-out; • Shall not restrict business' ability to comply with federal, state, or local laws or investigations.
Enforcement	<ul style="list-style-type: none"> • Department of Justice • Private Right of Action
Exemptions	HIPAA, GLBA, FCRA, GLBA, DPPA

General Data Privacy—State Legislation

(as of July 22, 2020)

WISCONSIN	
Opt-out/Opt-in	<p>Opt-out</p> <p>Opt-in for consumers under the age of 16. If the consumer is under the age of 13 then the legal guardian must opt-in.</p>
Notice Requirement	<p>Business must disclose:</p> <ul style="list-style-type: none"> • How to make a request for the information • Categories of information collected • Categories of sources of information collected • Purpose for collecting or selling • Before collection of information <p>Must be disclosed in a portable format.</p>

WISCONSIN	
Citation	B870: Failed to pass pursuant to Senate Joint Resolution 1

WISCONSIN	
Citation	AB871: Failed to pass pursuant to Senate Joint Resolution 1

WISCONSIN	
Citation	AB872: Failed to pass pursuant to Senate Joint Resolution 1