



Comparing 2023 State Privacy Laws

State	Applicability	Definition of Personal Data/Information	Data Subject Rights	Enforcement
<p><u>California</u></p> <p><u>The California Consumer Privacy Act</u> (the “CCPA”):</p> <p>Cal. Civ. Code § 1798.100 - 1798.199.100</p> <p><i>The CCPA became effective January 1, 2020</i></p>	<p>Applies to for-profit businesses that do business in California and meet any of the following:</p> <ul style="list-style-type: none"> • A gross annual revenue exceeding \$25 million; • Buy, receive, or sell personal information of 50,000 or more California residents, households, or devices; or • 50% or more of its annual revenue derives from selling California residents’ personal information. <p>(§1798.100; §1798.140(c))</p>	<p>Personal Information:</p> <ul style="list-style-type: none"> • Any information that “identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household.” • <u>§1798.140(o)(1)</u> includes a non-exhaustive list of personal information. <p>(§ 1798.140(o)(1))</p>	<p>Data subjects have the following rights:</p> <ul style="list-style-type: none"> • Right to know • Right to access • Right to opt-out • Right to deletion • Right to opt in for consumers under the age of 16 • Right to non-discrimination <p>(§1798.105 – 1798.125)</p>	<p>California Attorney General has the enforcement power.</p> <ul style="list-style-type: none"> • Penalties of no more than \$2,500 for each violation or \$7,500 for each intentional violation. <p>(§ 1798.155)</p> <p>A consumer has a private right of action when there is a breach of their unencrypted and unredacted personal information.</p> <ul style="list-style-type: none"> • Damages between \$100 and \$750 per incident or actual damages, whichever is greater. <p>(§ 1798.150)</p>

<p style="text-align: center;"><u>California</u></p> <p><u>The California Privacy Rights Act</u> (the "CPRA") (amends the CCPA). CPRA's additional requirements are in red.</p> <p>Cal. Civ. Code § 1798.100 - 1798.199.100</p> <p><i>Effective January 1, 2023</i></p>	<p>Applies to for-profit businesses that do business in California and meet any of the following:</p> <ul style="list-style-type: none"> • A gross annual revenue exceeding \$25 million in the preceding calendar year; • Buy, receive, or sell personal information of 100,000 or more California residents, households, or devices; or • 50% or more of its annual revenue derives from selling or sharing California residents' personal information. <p>(§1798.100; §1798.140(d))</p>	<p>Personal Information:</p> <ul style="list-style-type: none"> • Any information that "identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household." • §1798.140(v)(1) includes a non-exhaustive list of personal information. <p>(§ 1798.140(v)(1))</p> <p>Sensitive Personal Information includes:</p> <ul style="list-style-type: none"> • Social Security, driver's license, state identification card or passport number; • Account log-in, financial account, debit card, credit card number with security or access code or password; • Precise geolocation; • Racial or ethnic origin, religious/philosophical beliefs or union membership; • Contents of mail, email and text messages; • Genetic data and processing of biometric information; or • Health and sexual orientation. <p>(§ 1798.140(ae))</p>	<p>Data subjects have the following rights:</p> <ul style="list-style-type: none"> • Right to know • Right to access • Right to opt-out • Right to deletion • Right to correct • Right to limit use and disclosure of Sensitive Personal Information • Right to opt in for consumers under the age of 16 • Right to non-discrimination <p>(§1798.105 – 1798.125)</p>	<p>California Attorney General has the enforcement power.</p> <ul style="list-style-type: none"> • Penalties of no more than \$2,500 for each violation or \$7,500 for each intentional violation or violations where the business has actual knowledge the violation involves the personal information of persons under 16 years of age. <p>(§ 1798.155)</p> <p>A consumer has a private right of action when there is a breach of their unencrypted and unredacted personal information.</p> <ul style="list-style-type: none"> • Damages between \$100 and \$750 per incident or actual damages, whichever is greater. <p>(§ 1798.150)</p>
---	---	--	--	---

<p><u>Virginia</u></p> <p>Va. Code § 59.1-571–59.1-581</p> <p><i>Effective January 1, 2023</i></p>	<p>Applies to those that conduct business in Virginia or produce products and services targeted to its residents and either:</p> <p>I. Control or process personal data of at least 100,000 consumers during a calendar year; or</p> <p>II. Control or process personal data of at least 25,000 Virginia consumers and derives more than half of their revenue from the sale of personal data.</p> <p>(§ 59.1-572)</p>	<p>Personal Data:</p> <ul style="list-style-type: none"> Any information that is linked or reasonably linkable to an identified or identifiable natural person. Does not include publicly available information or de-identified data. <p>(§ 59.1-571)</p>	<p>Consumer personal data rights:</p> <ul style="list-style-type: none"> Right to access Right to correction Right to portability Right to deletion Right to opt-out <p>(§ 59.1-573)</p>	<p>Attorney General has exclusive enforcement authority.</p> <p>Violators are subject to injunctions and civil penalties no greater than \$7,500 per violation.</p> <p>(§ 59.1-580)</p>
--	--	--	---	---

<p><u>Colorado</u></p> <p>Effective July 1, 2023</p>	<p>Applies to controllers that conduct business in Colorado or provide commercial products or services intentionally targeted to Colorado residents that:</p> <ul style="list-style-type: none"> ○ Control or process the personal data of 100,000 consumers or more during a calendar year; or ○ Derives revenue or receives a discount on price of goods or services from selling personal data and processes or controls the personal data of 25,000 consumers or more. <p>(§ 6-1-1304)</p>	<p>Personal Data:</p> <ul style="list-style-type: none"> ○ “Information that is linked or reasonably linkable to an identified or identifiable individual.” ○ Does not include publicly available information or de-identified data. <p>(§ 6-1-1303 (17))</p>	<p>Consumer personal data rights:</p> <ul style="list-style-type: none"> • Right to opt out • Right of access • Right to correction • Right to deletion • Right to data portability <p>(§ 6-1-1306)</p>	<p>Attorney General and District Attorneys have exclusive enforcement power.</p> <p>(§ 6-1-1311)</p>
--	--	---	--	--

The chart above is intended to provide a high-level survey of the notable aspects of the subject laws for each state. It is for informational purposes only and not intended to be an exhaustive review of each law nor is this chart intended as legal advice. Legal counsel should always be sought when considering any approach to compliance with these or any laws.