

SCOPE & APPLICABILITY

Extraterritorial

All laws apply when targeting products or services to state consumers.

The laws have thresholds so that they exclude small businesses or businesses that don't process significant amounts of personal data.



Most laws exclude data regulated by federal privacy laws such as HIPAA, GLBA, FCRA, and FERPA.



Most laws apply only to for-profit companies. But a few also apply to non-profit and educational entities.



RESPONSIBILITIES FOR DATA PROCESSING

Most Laws

Notice



Data Security



Data Minimization



MD has a unique and very restrictive approach.

Respond to Consumer Requests



Data Processing Agreements



Prohibition on Discrimination for Exercising Rights



Many Laws

Data Protection Impact Assessments

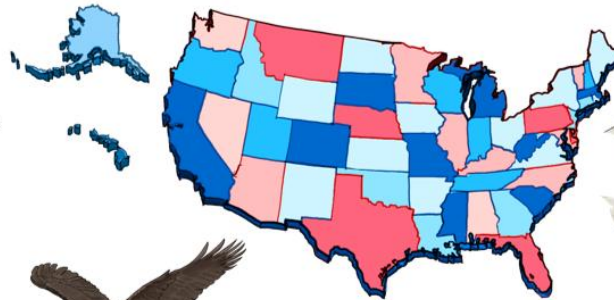
- targeted advertising
- profiling
- sensitive data
- sale of data



Dark Pattern Restrictions



U.S. State Consumer Privacy Laws



INDIVIDUAL RIGHTS

Right to Know



Right to Access



Right to Correction



Right to Deletion



Right to Data Portability



Right to Opt Out

- targeted ads
- sale of data
- profiling

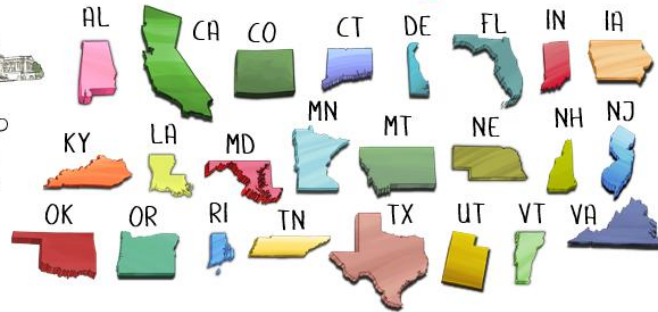


PERSONAL DATA

Identified



Identifiable



SENSITIVE DATA

Most Laws: Require opt-in consent + data protection assessment.

Exception: A few states just require opt out

Frequently Recognized Types

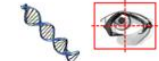
Racial or Ethnic Origin



Sexual Orientation



Genetic or Biometric Data



Religious Beliefs



Mental or Physical Health Diagnosis



Data Collected From Child



Citizenship or Immigration Status



Precise Geolocation



Other Recognized Types

Financial Account Info



Neural Data



Transgender or Nonbinary Status



Gov't ID Info



ENFORCEMENT

Enforced by state attorneys general.

Most laws lack a private right of action.



Exception: CA has a limited private right of action for data breaches. FL has a private right of action.

Most laws have fines.



Many laws have a cure period (30 to 60 days). Some sunset but others are permanent.



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U.S. State Consumer Privacy Laws

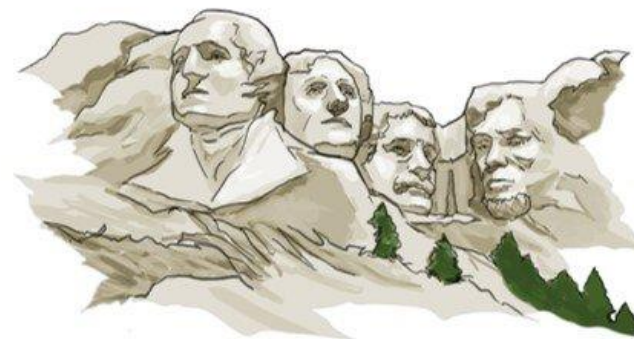


A 5-minute course by Professor Daniel J. Solove

www.teachprivacy.com/training-u-s-state-consumer-privacy-laws

Course Outline

- ▶ Introduction
- ▶ Scope and Applicability
- ▶ Personal Data
- ▶ Individual Rights
- ▶ Responsibilities for Data Processing
- ▶ Enforcement
- ▶ Conclusion



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