

SCOPE & APPLICABILITY

Extraterritorial

Applies when targeting products or services to DE consumers.



Applies when business controls or process data on

- at least 35,000 DE residents; or
- at least 10,000 DE residents and derives 20%+ of gross revenue from sale of data



Data Protection Impact Assessments

- risk of harm
- sale of data
- targeted ads
- profiling
- sensitive data



Respond to Consumer Requests and Appeals Process

45 days to respond
+ 45-day extension



Applies to for-profit companies.



Applies to non-profits and higher ed.



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



PERSONAL DATA

Identified



Identifiable

RESPONSIBILITIES FOR DATA PROCESSING

Notice



Data Processing Agreements



Data Minimization



Data Security



DELAWARE

Personal Data Privacy Act



Racial or Ethnic Origin



Data of Known Child



Religious Beliefs



Genetic or Biometric Data



Mental or Physical Health Condition or Diagnosis



Sexual Orientation



Precise Geolocation



Status as Transgender or Non-Binary



Citizenship or Immigration Status



ENFORCEMENT

Enforced by the Delaware Attorney General.



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 for solely automated decisions



No private right of action.

Max fine \$10,000



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Short



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