

SCOPE & APPLICABILITY

Extraterritorial

Applies when targeting products or services to DE consumers.



Applies when business controls or process data on

- at least 100,000 DE residents; or
- at least 5,000 DE residents and derives 20%+ of gross revenue from sale of data

or is a third party that acquires personal data from a controller



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



SENSITIVE PERSONAL DATA

Requires consent + DPIA (risk of unfair or deceptive treatment or unlawful disparate impact).

Racial, Ethnic, or National Origin



Data of Known Child



Religious Beliefs



Mental or Physical Health Condition, Diagnosis, Treatment, Status



Genetic or Biometric Data



Neural Data



Sexual Orientation



Sex Life

Precise Geolocation

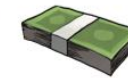


Status as Transgender or Non-Binary



Citizenship or Immigration Status

Financial Account Info



Gov't ID Info



Inferences: Sensitive data includes inferences made based on personal data that reveals a sensitive characteristic.

Data Minimization: Sale of sensitive data must be strictly necessary for a product or service requested by the consumer.

RESPONSIBILITIES FOR DATA PROCESSING

Notice



Data Processing Agreements



Data Security



Data Minimization



DELAWARE

Personal Data Privacy Act



INDIVIDUAL RIGHTS

Right to Know
Includes right to know inferences derived from personal data



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



Enforced by the Delaware Attorney General.



No private right of action.



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Rights and Rules re Profiling

- notice of adverse action
- right to human review
- impact assessment

Max fine
\$10,000



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