

Consumer data privacy laws passed

2023
California
Virginia
Colorado
Connecticut
Utah
2024
Texas
Oregon
Florida
Montana
2025
Delaware
Iowa
Nebraska
New Hampshire
New Jersey
Tennessee
Minnesota
Maryland
Indiana
2026
Kentucky
Rhode Island

US States' new Consumer Data Privacy Laws – What does your business need to do?

Twenty US States have enacted comprehensive consumer privacy laws over recent years, and data privacy bills are progressing through the legislative chambers of another fourteen States.

These laws require businesses to take steps to protect the personal information of their consumers, and to make extensive disclosures about how the collected information is used. It also grants consumers extensive rights to inquire about the use of their personal information, and to opt-out of the sale, disclosure or processing of their personal information in certain circumstances.

Each State imposes different requirements on businesses and grants different rights to consumers.

Businesses need to be aware of their requirements under the laws of each State with which they do business and take steps to comply.

Check your compliance with these new laws by following these steps

- **Applicability** - Confirm which States' laws are applicable to your business. Each State has different applicability thresholds. Consider whether your business or the information you're processing qualifies for an exemption.
- **Website Privacy notice** - Update your website privacy notice. Several laws require mandatory disclosures in the privacy notice, including statistics about your customers' requests about their personal information, information about consumer rights and your data protection practices.
- **Data processing agreements** - Each State requires that businesses have a contract with any vendors or processors which requires them to protect any personal information they access in compliance with these laws. Each State imposes different obligations.
- **Processor and controller obligations** - Familiarize yourself with any new obligations you might have, including as a processor and controller.
- **Consumer privacy rights** - Familiarize yourself with the different rights granted to consumers in each State.

- **Methods of exercising privacy rights**- Implement methods to enable your consumers to assert their rights as required by each of the relevant States.
- **Responses to consumer requests**- Ensure you can address consumer requests appropriately and timely.
- **Definitions** - Familiarise yourself with the definitions for key terms in each of the States. Each State defines key terms differently, including 'personal data', 'personal information', 'sale', 'disclose', 'sensitive data', 'third-party', 'targeted advertising'.
- **Data protection assessments** - Verify the thresholds in each State regarding conducting 'data protection assessments. Find a template assessment which is appropriate for that State and record the assessments appropriately.
- **Privacy policies and technical and operational security measures.** - Update your privacy policies and procedures to remain compliant with the requirements of each State and implement the appropriate technical and operational security measures.

How we can help

Ash Costello is a data privacy lawyer licensed in both New York and the UK. She assists companies with their local and global data protection needs and can assist you with any data privacy query.

On Ash's website, she has compiled a list of *data regulator approved* **compliance templates and checklists** for you to download.