

States' New Consumer Data Privacy Laws – Impact on Digital Marketing

Twenty US States have enacted consumer privacy laws over recent years¹, and similar data privacy bills are progressing through the legislative chambers of another fourteen States.

Each of the twenty States granted different rights to individuals, consumers and households, and oblige businesses to enable the exercise of those rights in different ways.

Most States are granting consumers the right to opt-out of targeted advertising, profiling and the sale or disclosure of their personal data. To enable people to opt-out, businesses must disclose the 'cookie-type' technologies and practices they use in their website privacy notices. These opt-out rights are significantly impacting businesses' digital marketing practices and use of third party cookies, and businesses are pivoting to use alternative technologies².

The table below highlights some of the key rights granted.

Businesses need to ensure they have implemented the appropriate systems to enable consumers to make these choices, to record these choices, and to ensure that the data which is 'opt-ed out' is excluded from the data sold or disclosed.

¹ See related articles for a checklist of compliance with the new State consumer privacy laws, and a gap analysis comparing these requirements against the EU and UK's data protection requirements in GDPR.

² See related articles about how the advertising technology eco-system works, and a description of the 'cookie-type' technologies used.

	Access PI & confirm	Correction	Deletion	Portability	Opt out - voice or facial	Opt out - Targeted advertising	Opt out - sale of PI	Opt out - profiling	Opt out - share of PI	Opt out or limit use SPI	Opt out - SPI sale	List of third party recipients		
California	Red	Green	Green	Green	Red	Red	Green	Red	Green	Green	Red	Red		
Virginia	Green	Green	Green	Green	Red	Green	Green	Red	Red	Red	Red	Red		
Colorado	Green	Green	Green	Green	Red	Green	Green	Red	Red	Red	Red	Red		
Connecticut	Green	Green	Green	Green	Red	Green	Green	Red	Red	Red	Red	Red		
Utah	Green	Red	Green	Green	Red	Green	Green	Red	Red	Red	Red	Red		
Texas	Green	Green	Green	Green	Red	Green	Green	Red	Red	Red	Red	Red		
Oregon	Green	Green	Green	Green	Red	Green	Green	Red	Red	Red	Red	Green		
Florida	Green	Green	Green	Green	Green	Green	Green	Red	Green	Red	Red	Red		
Montana	Green	Green	Green	Green	Red	Green	Green	Red	Red	Red	Red	Red		
Delaware	Green	Green	Green	Green	Red	Green	Green	Red	Red	Red	Red	Green		
Iowa	Green	Red	Green	Green	Red	Red	Green	Red	Red	Green	Red	Red		
Nebraska	Green	Green	Green	Green	Red	Green	Green	Red	Red	Red	Green	Red		
New Hampshire	Green	Green	Green	Green	Red	Green	Green	Red	Red	Red	Red	Red		
New Jersey	Green	Green	Green	Green	Red	Green	Green	Red	Red	Red	Red	Red		
Tennessee	Green	Green	Green	Green	Red	Green	Green	Red	Red	Red	Red	Red		
Minnesota	Green	Green	Green	Green	Red	Green	Green	Red	Red	Red	Red	Green		
Maryland	Green	Green	Green	Green	Red	Green	Green	Red	Red	Red	Red	Green		
Indiana	Green	Green	Green	Green	Red	Green	Green	Red	Red	Red	Red	Red		
Kentucky	Green	Green	Green	Green	Red	Green	Green	Red	Red	Red	Red	Red		
Rhode Island	Green	Green	Green	Green	Red	Green	Green	Red	Red	Red	Red	Red		

How we can help

Ash Costello is a data privacy lawyer licensed in both New York and the UK. She helps clients understand which data privacy laws apply to them, the obligations imposed by these laws, and how to comply.

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