

| | California | Virginia | Colorado | Utah | Connecticut | Iowa |
|--|---|--|--|---|---|--|
| Scope | Applies to businesses that: Have \$25 million in annual gross revenue -OR- Process data of at least 100,000 consumers -OR- Derive at least 50% of gross revenues from <i>selling or sharing</i> data | Applies to businesses that: Process data of at least 100,000 consumers -OR- Process data of at least 25,000 consumers and derive at least 50% of gross revenues from <i>selling</i> data | Applies to businesses that: Process data of at least 100,000 consumers -OR- Process data of at least 25,000 consumers and derive revenue or receive a <i>discount on goods or services from selling</i> personal data | Applies to businesses that: Have \$25 million in annual gross revenue -AND- Process data of at least 100,000 consumers -OR- Process data of at least 25,000 consumers and derive at least 50% of gross revenues from <i>selling</i> personal data | Applies to businesses that: Process data of at least 100,000 consumers (excluding purely payment transactions) -OR- Process data of at least 25,000 consumers and derive at least 25% of gross revenues from <i>selling</i> personal data | Applies to businesses that: Process data of at least 100,000 consumers -OR- Process data of at least 25,000 consumers and derive at least 50% of gross revenues from <i>selling</i> personal data |
| Effective Date | 01-Jan-23 | 01-Jan-23 | 01-Jul-23 | 31-Dec-23 | 01-Jul-23 | 01-Jan-25 |
| Definition of Sale | Money or other valuable consideration | Money | Money or other valuable consideration | Money | Money or other valuable consideration | Money |
| Definition of Personal Data | Information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household Excludes deidentified or publicly available data "Publicly available" means: information that is lawfully made available from federal, state, or local government records, or information that a business has a reasonable basis to believe is lawfully made available to the general public by the consumer or from widely distributed media, or by the consumer; or information made available by a person to whom the consumer has disclosed the information if the consumer has not restricted the information to a specific audience. "Publicly available" does not mean biometric information collected by a business about a consumer without the consumer's knowledge. | Information that is linked or reasonably linkable to an identifiable natural person Excludes deidentified or publicly available data Publicly available data is information that is lawfully available from government records or information that a controller reasonably believes the consumer has lawfully made available to the general public | Information that is linked or reasonably linkable to an identifiable individual Excludes deidentified or publicly available data Publicly available data is information that is lawfully available from government records or information that a controller reasonably believes the consumer has lawfully made available to the general public | A first name or first initial and last name, combined with any one or more of the following (only if unencrypted): SSN; financial account number AND any related security code or password; driver's license or state ID number Excludes deidentified or publicly available data Publicly available data is information that is lawfully available from government records or information that a controller reasonably believes the consumer or <i>widely distributed media</i> has lawfully made available to the general public | Information that is linked or reasonably linkable to an identifiable individual Excludes deidentified or publicly available data Publicly available data is information that is lawfully available from government records or information that a controller reasonably believes the consumer has lawfully made available to the general public | Information that is linked or reasonably linkable to an identifiable individual Excludes deidentified, aggregated or publicly available data Publicly available data is information that is lawfully available from government records or information that a controller reasonably believes the consumer or <i>widely distributed media</i> has lawfully made available to the general public, unless the consumer has restricted the information to a specific audience |
| Sensitive Data | Includes: race or ethnicity; religion; health; sexual orientation; citizenship; genetic data; biometric data used to identify a person; precise geolocation; union membership; SSN; DL or passport number; financial account with password or security code; and contents of mail, email, or texts (unless the business is the intended recipient) Processor must self-restrict to certain uses, or provide notice and opportunity to opt-out | Includes: race or ethnicity; religion; health; sexual orientation; citizenship; genetic or biometric data used to identify a person; precise geolocation; and personal data of children Processor needs consent to process | Includes: race or ethnicity; religion; health; sexual orientation; citizenship; genetic or biometric data used to identify a person; and personal data of children (under 13) Processor needs consent to process | Includes: race or ethnicity; religion; health; sexual orientation; citizenship; genetic or biometric data used to identify a person; and precise geolocation Processor must present notice and opportunity to opt-out | Includes: race or ethnicity; religion; health; sexual orientation; citizenship; genetic or biometric data used to identify a person; precise geolocation; and personal data of children Processor needs consent to process | Includes: race or ethnicity; religion; health; sexual orientation; citizenship; genetic or biometric data used to identify a person; precise geolocation; and personal data of "a known child" Processor must present notice and opportunity to opt-out |
| Profiling | "Profiling" means any form of automated processing of personal information, as further defined by regulations pursuant to paragraph (16) of subdivision (a) of Section 1798.185, to evaluate certain personal aspects relating to a natural person and in particular to analyze or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behavior, location, or movements | "Profiling" means any form of automated processing performed on personal data to evaluate, analyze, or predict personal aspects related to an identified or identifiable natural person's economic situation, health, personal preferences, interests, reliability, behavior, location, or movements | "Profiling" means any form of automated processing of personal data to evaluate, analyze, or predict personal aspects concerning an identified or identifiable individual's economic situation, health, personal preferences, interests, reliability, behavior, location, or movements | No definition | "Profiling" means any form of automated processing performed on personal data to evaluate, analyze or predict personal aspects related to an identified or identifiable individual's economic situation, health, personal preferences, interests, reliability, behavior, location or movements | No definition |
| Notable Exceptions | HIPAA data GLBA data Nonprofits Higher education FCRA | HIPAA entities and data GLBA entities Nonprofits Higher education FCRA Employment data Commercial B2B data | HIPAA Data GLBA entities Higher education FCRA Employment data Commercial B2B data National securities associations | HIPAA entities GLBA entities Nonprofits Higher education FCRA Employment data Commercial B2B data | HIPAA entities GLBA entities Nonprofits Higher education FCRA Employment data Commercial B2B data National securities associations | HIPAA entities and data GLBA entities Nonprofits Higher education FCRA Employment data Commercial B2B data |
| Notable Consumer Rights | Right to access Right to correct Right to delete Right to portability Right to opt-out of sale or sharing for cross-context behavioral advertising Right to non-discrimination Right to notice at or before collection | Right to access Right to correct Right to delete Right to portability Right to opt-out of sale, profiling or targeted ads Right to non-discrimination Right to appeal | Right to access Right to correct Right to delete Right to portability Right to opt-out of sale, profiling or targeted ads <i>Rather than a right to non-discrimination, Colorado imposes a duty on controllers not to violate existing laws against discrimination</i> Right to appeal | Right to access Right to delete Right to portability Right to opt-out of sale or targeted ads Right to non-discrimination | Right to access Right to correct Right to delete Right to portability Right to opt-out of sale, profiling or targeted ads <i>Rather than a right to non-discrimination, Connecticut imposes a duty on controllers not to violate existing laws against discrimination</i> Right to appeal | Right to access Right to delete Right to portability Right to opt-out of sale or targeted ads Right to non-discrimination |
| Controller Duties | Transparency Purpose specification Data minimization Data security/care Non-discrimination Sensitive data <i>caution</i> Avoid secondary use Pass requests-to-delete on to third parties | Transparency Purpose specification Data minimization Data security/care Non-discrimination Sensitive data consent Avoid secondary use | Transparency Purpose specification Data minimization Data security/care Non-discrimination Sensitive data consent Avoid secondary use | Transparency Purpose specification Data minimization Data security/care Non-discrimination Sensitive data <i>caution</i> | Transparency Purpose specification Data minimization Data security/care Data security/care Non-discrimination Sensitive data consent Avoid secondary use | Transparency Purpose specification Data minimization Data security/care Non-discrimination Sensitive data <i>caution</i> |
| Privacy Notice Requirements | Categories of data Purpose for processing each category How to exercise consumer rights Categories of data shared with third parties Categories of third parties with whom data is shared Any sale of data or sharing for cross-context behavioral advertising and how to opt-out Clear and conspicuous link to opt-out of sale or sharing for cross-context behavioral advertising on homepage Duration of retention of each data category Notice to consumers of their CPRA rights Categories of sources of data Categories of sensitive personal data, including any extraneous use and the consumer's right to opt-out | Categories of data Purpose for processing each category How to exercise consumer rights Categories of data shared with third parties Categories of third parties with whom data is shared Any sale of data or targeted advertising and how to opt-out | Categories of data Purpose for processing each category How to exercise consumer rights Categories of data shared with third parties Categories of third parties with whom data is shared Any sale of data and how to opt-out | Categories of data Purpose for processing each category How to exercise consumer rights Categories of data shared with third parties Categories of third parties with whom data is shared Any sale of data or targeted advertising and how to opt out | Categories of data Purpose for processing How to exercise consumer rights and appeal Categories of data shared with third parties Categories of third parties with whom data is shared Any sale of data or targeted advertising Clear and conspicuous link to a webpage for opt-out of sale or targeted advertising Active email address for how to contact the controller | Categories of data Purpose for processing How to exercise consumer rights Categories of data shared with third parties Categories of third parties with whom data is shared Any sale of data or targeted advertising and how to opt out |
| Timing to Respond | 45 days, with an additional 45 days when reasonably necessary 15 days for opt-out requests | 45 days, with an additional 45 days when reasonably necessary | 45 days, with an additional 45 days when reasonably necessary | 45 days, with an additional 45 days when reasonably necessary | 45 days, with an additional 45 days when reasonably necessary | 90 days, with an additional 45 days when reasonably necessary |
| Right to Appeal | No | Yes. 60 days to respond | Yes. 45 days to respond | No | Yes. 60 days to respond | Yes. 60 days to respond |
| Private Right of Action and Fines | Yes. Up to \$750 fine per consumer per incident, or actual damages | No. AG can impose up to \$7,500 fine per violation | No. Violation is a "deceptive trade practice" under the Colorado Consumer Protection Act, which carries up to a \$20,000 fine per violation | No. AG can impose up to \$7,500 fine per violation | No. AG can impose up to \$5,000 fine per willful violation | No. AG can impose up to \$7,500 fine per violation |
| Required Terms in Data Processing Agreements | Limited and specific processing instructions Purpose of processing Obligate the service provider to comply with the CCPA Confidentiality duties Assist controller with auditing and complying Notice to controller if processor can't comply Allows controller to halt and remediate improper processing | Processing instructions Purpose of processing Type of data processed Duration of processing Rights and obligations of both parties Confidentiality duties Duties to return or delete data Assist controller with auditing and complying Ensure subcontractors comply, in writing | Processing instructions Purpose of processing Type of data processed Duration of processing Rights and obligations of both parties Confidentiality duties Duties to return or delete data Assist controller with auditing and complying Ensure subcontractors comply, in writing | Processing instructions Purpose of processing Type of data processed Duration of processing Rights and obligations of both parties Confidentiality duties Ensure subcontractors comply, in writing | Processing instructions Purpose of processing Type of data processed Duration of processing Rights and obligations of both parties Confidentiality duties Duties to return or delete data Assist controller with auditing and complying Ensure subcontractors comply, in writing | Processing instructions Purpose of processing Type of data processed Duration of processing Rights and obligations of both parties Confidentiality duties Duties to return or delete data Assist controller with auditing and complying Ensure subcontractors comply, in writing |
| Data Processing Impact Assessments | Required when: The risks of processing outweigh the consumer benefits Processing sensitive data Processing presents significant consumer risk | Required when: Processing sensitive data Processing presents a heightened risk of harm For sale For profiling when it creates harm, unfair, deceptive or disparate treatment, or an offensive intrusion on the solitude or private affairs of consumers | Required when: Processing sensitive data Processing presents a heightened risk of harm For sale For profiling when it creates harm, unfair, deceptive or disparate treatment, or an offensive intrusion on the solitude or private affairs of consumers | Not required | Required when: Processing sensitive data Processing presents a heightened risk of harm For sale For profiling when it creates harm, unfair, deceptive or disparate treatment, or an offensive intrusion on the solitude or private affairs of consumers | Not required |
| Safe Harbor Period | None | 30 day cure period | 60 day cure period, ends Jan. 1, 2025 | 30 day cure period | 60 day cure period, ends Jan. 1, 2025 | 90 day cure period |