State Comprehensive-Privacy Law Comparison

The 16 common privacy provisions include the following:

- **The right of access to personal information collected** — The right for a consumer to access from a business/data controller the information collected or categories of information collected about the consumer; right may only exist if a business sells information to a third party.

- **The right of access to personal information shared with a third party** — The right for a consumer to access personal information shared with third parties.

- **The right to rectification** — The right for a consumer to request that incorrect or outdated personal information be corrected but not deleted.

- **The right to deletion** — The right for a consumer to request deletion of personal information about the consumer under certain conditions.

- **The right to restriction of processing** — The right for a consumer to restrict a business' ability to process personal information about the consumer.

- **The right to data portability** — The right for a consumer to request personal information about the consumer be disclosed in a common file format.

- **The right to opt out of the sale of personal information**— The right for a consumer to opt out of the sale of personal information about the consumer to third parties.

- **The right against solely automated decision making** — A prohibition against a business making decisions about a consumer based solely on an automated process without human input.

- **A consumer private right of action** — The right for a consumer to seek civil damages from a business for violations of a statute.

- **A strict opt-in for the sale of personal information of a consumer less than a certain age** — A restriction placed on a business to treat consumers under a certain age with an opt-in default for the sale of their personal information.

- **Notice/transparency requirements** — An obligation placed on a business to provide notice to consumers about certain data practices, privacy operations, and/or privacy programs.

- **Data breach notification** — An obligation placed on a business to notify consumers and/or enforcement authorities about a privacy or security breach.

- **Mandated risk assessment** — An obligation placed on a business to conduct formal risk assessments of privacy and/or security projects or procedures.

- **A prohibition on discrimination against a consumer for exercising a right** — A prohibition against a business treating a consumer who exercises a consumer right differently than a consumer who does not exercise a right.

- **A purpose limitation** — An EU General Data Protection Regulation–style restrictive structure that prohibits the collection of personal information except for a specific purpose.

- **A processing limitation** — A GDPR-style restrictive structure that prohibits the processing of personal information except for a specific purpose.

https://iapp.org/news/a/us-state-comprehensive-privacy-law-comparison/

State	Legislative Process	Statute/Bill	Common Name	To Access to Collected	To Access to Shared	To Rectification	To Deletion	To Restriction	To Portability	To Opt-Out	Against Solely Automated Decision Making	Private Right of Action	Strict Age-based Opt-In	Notice/Transparency Requirement	Data Breach Notification	Risk Assessment	Prohibition on Discrimination	Purpose Limitation	Processing Limitation	Fiduciary Duty
California	Signed	**Ca. Civ. Code §§ 1798.100 - .199**	**California Consumer Privacy Act**	x	x		x		x	x		s	16	x			x			
Connecticut (gray strikethrough)		*RB 1108*		x	x		x		x	x		s	16	x			x			
Hawaii	In Committee	*SB 418*		x	x		x		x	x			16	x	x		x			
Illinois	Cross Committee	*HB 3358*	*Data Transparency and Privacy Act*		x					x				x						
Louisiana	In Committee	*HB 465 [I]*	*Internet and Social Media Privacy and Protection Act*							in		x		x			x			
Maine	Signed	**LD 946 [II]**	**An Act To Protect the Privacy of Online Consumer Information**						x	in				x			x			
Maryland	In Committee	*SB 613*	*Online Consumer Protection Act*	x	x		x		x	x				x			x			
Massachusetts	In Committee	*SD 341/S 120*		x	x		x		x	x		x	18	x			x			
Minnesota	In Committee	*HF 2917/SF 2912*		x	x	x	x	x	x	x	x			x			x		x	
Nevada	Signed	**SB220/Chapter 603A**								x				x	x					
New Jersey	In Committee	*S2834*			x					x				x			x			
New Mexico (gray strikethrough)		*SB 176*	*Consumer Information Privacy Act*	x	x		x		x	x		s	18	x			x			
New York	In Committee	*SB S5642 [III]*	*New York Privacy Act*	x	x	x	x	x	x	x	x	x		x	x				x	x
North Dakota (gray strikethrough)		*HB 1485 [IV]*												x						
Pennsylvania	In Committee	*HB 1049*	*Consumer Data Privacy Act*	x	x		x			x		s	16	x			x			
Rhode Island	In Committee	*S0234*	*Consumer Privacy Protection Act*	x	x		x		x	x		x	16	x			x			
Texas	In Committee	*HB 4518*	*Texas Consumer Privacy Act*	x	x		x		x	x			16	x			x			
Texas (gray strikethrough)		*HB 4390 [V]*	*Texas Privacy Protection Act*	x										x		x		x	x	
Washington	Cross Committee / Signed	*SB 5376*	*Washington Privacy Act*	x	x	x	x	x	x	x	x			x	x	x				

In Session: CA, MA, NJ, PA

Legislative Process key: Introduced / In Committee / Crossed Chamber / Cross Committee / Passed / Signed

Bold - passed law
Italics - proposed bill, not passed
s - private right of action for security violations only
in - opt-in consent requirement

~~Black strikethrough - bill postponed indefinitely~~
~~Gray strikethrough - task force substituted for comprehensive bill~~

[I] Louisiana HB 465 applies only to internet service providers, internet service operators, and social media companies.

[II] Maine LD 946 applies only to internet service providers.

[III] New York SB S5642 includes a broad consumer right to opt-out of any processing, not just the sale of personal information.

[IV] North Dakota HB 1485 is a broad prohibition on disclosure of personal information except upon explicit consent.

[V] Texas HB 4390 is a GDPR-style restriction-based bill that prohibits a business from collecting or processing information except under certain circumstances.

Legislative Process: Introduced > In Committee > Crossed Chamber > Cross Committee > Passed > Signed

Last updated: 7/31/2019