

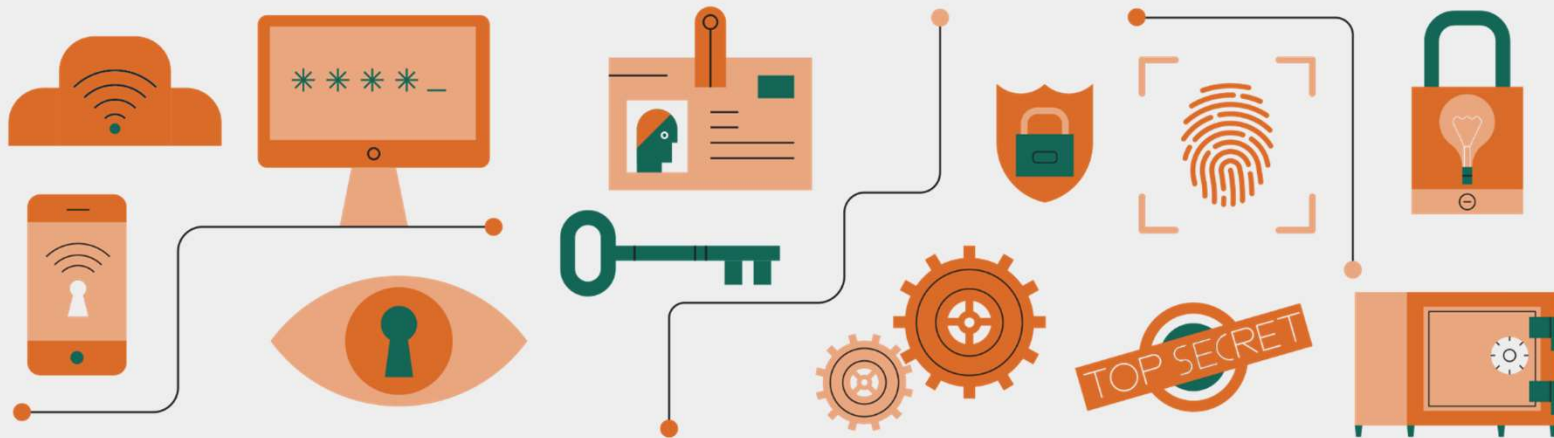
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## Staying Abreast of U.S. State Law Privacy Requirements

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## What is Privacy?

United States currently does not have a comprehensive federal privacy law. The US has a patchwork of various state privacy laws.

# Current Status of Comprehensive State Privacy Laws

## States with enacted laws:

- California
- Colorado
- Connecticut
- Utah
- Virginia

## States with laws soon to be enacted:

- Delaware
- Indiana
- Iowa
- Kentucky
- Maryland
- Montana
- Nebraska
- New Hampshire
- New Jersey
- Oregon
- Tennessee
- Texas

# Key Trends in State Privacy Laws

Notice/Transparency  
Requirement

Right to Access

Right to Correct

Right to Delete

Right to Opt-Out of  
Processing  
Right to Opt-Out of  
Sales

Right to Portability

Contractual  
Requirements

## Commonalities in state laws

### All states have:

- Right to access laws
- Right to delete laws
- Right to portability laws
- Right to opt-out of sales laws
- Notice/transparency requirements

## Differences in some state laws

### Notable differences:

- Automated decision-making/profiling
- Scope of sensitive personal data
- Applicability to employee data

# Practical approach to compliance

## Risk prioritization

- External-facing activities to internal-facing activities
  - DSARs
  - Cookie banner/opt-outs
  - Privacy notices
  - Third-party data sharing
  - Employee Rights

# Practical approach to compliance

## Approach Incrementally

- Key considerations
  - Which state laws apply to your business
  - Consider comprehensive approach or state by state approach
  - What type of data does your organization process?
- Periodically conduct a gap analysis before a new law becomes effective
- Understand regulator priorities



# Enforcement Insights

## FTC Enforcement

- *FTC v. Rite Aide Corp.*
- *USA v. Easy Healthcare (Premom)*

## California Enforcement

- *People v. Sephora*
- *People v. Doordash, Inc.*

## Litigation

- *Brown v. Google (Incognito Mode)*

# Contact Finnegan



## Lynn Parker Dupree is a partner in our DC office

As leader of the firm's privacy practice, Lynn focuses on privacy compliance, governance, and counseling for clients navigating the dynamic legal and regulatory privacy landscape. Her years of privacy experience provide her with the sharp ability to provide actionable privacy advice and guidance, and a keen understanding of the ways technology can be used to protect individual privacy. Prior to joining the firm, she served as chief privacy officer of the Department of Homeland Security (DHS), laws, regulations, and federal guidance.

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Questions?

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