

# YOUR (STATE LAW) PRIVACY NEW YEAR'S RESOLUTIONS FOR 2023

In 2023, California's updated privacy law will take effect, along with Virginia's new privacy law. Three additional state laws will be in effect by the end of 2023. Have you made your new year's resolutions? Weil's Privacy & Cybersecurity Group is here to help with these **Top Ten Privacy Resolutions** for businesses.

## California

1. If you have California employees, you need a **plan to address employee requests** for deletion of their personal information, access to their personal information, and correction of their personal information. As of January 1, employees will have the same rights as "consumers" in California.
2. You also need to consider **business contacts as "consumers"** with rights in their personal information beginning January 1. Operating entirely or primarily B2B does not exempt you from the reach of California's privacy law.
3. Take another **look at your vendor agreements**. If third parties have access to personal information on your behalf, make sure your agreements have the language required under the statute to ensure that data sharing isn't considered a "sale" of personal information.
4. Review any data-related **activities that are more likely to be scrutinized**: collection/use of sensitive categories of personal information; disclosing data to third parties, including for behavioral advertising purposes; collection/use of personal information to draw inferences and create profiles of individuals; and collection/use of personal information of children under 16.
5. Consider whether any updates are needed to your **privacy policy**. New disclosures may be required, including related to the collection and use of sensitive personal information, sharing personal information for cross-context behavioral advertising, and certain activities related to profiling and automated decision-making.

Virginia (Jan. 1, 2023)  
 Colorado (July 1, 2023)  
 Connecticut (July 1, 2023)  
 Utah (Dec. 31, 2023)

6. Determine whether any of these laws apply to you.

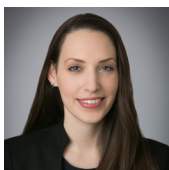
Virginia Colorado Connecticut	Do you <i>either</i> (a) control the collection of data of 100,000 or more state residents annually <i>or</i> (b) derive half your revenue from selling data about individuals and control the collection of data of 25,000 or more state residents?
Utah	Do you have annual revenue of \$25 million or more? <i>If so</i> , do you <i>either</i> (a) control the collection of data of 100,000 or more Utah residents annually <i>or</i> (b) derive a quarter of your revenue from selling data about individuals and control the collection of data of 25,000 or more Utah residents?

- Make sure you have a **privacy policy** that accurately and thoroughly describes the categories of data you collect from and about individuals, and how you use that data.
- Make a **plan to respond** to individuals' requests for **deletion**, **access** to, and **correction** of their data.
- If you sell any data, or share it with third parties for targeted advertising, be ready to provide individuals with an **opt-out** mechanism.
- Virginia, Colorado, and Connecticut: Make a **plan to obtain consent** from individuals for the collection of sensitive data. Covered businesses are prohibited from collecting sensitive categories of data without express consent. Sensitive data may reveal racial or ethnic origin, religious beliefs, mental or physical health diagnosis, sexual orientation, or citizenship or immigration status; includes biometric or genetic data; is collected from a known child; or includes precise geolocation data.

If your business is not subject to California's privacy law, but you will be covered by one or more of the new state laws, you have some work to do to get ready. If you have already taken steps to comply with the California law, you likely have some additional steps to take in order to prepare for the new law, as well as to address any of the other state laws that may apply to your business.

Weil's Privacy and Cybersecurity Group is available to help.

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