



The State of Affairs for Data Privacy—Trends in State Legislation and What They Mean

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Introduction



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Overview

- Importance of Cybersecurity and Data Privacy
- Differences between Cybersecurity and Data Privacy
- Data Privacy Laws in the U.S. and Where Things Stand
- General Data Protection Regulation (GDPR)
- California Consumer Privacy Act (CCPA)
- Other States' Laws
- Upcoming Legislation
- Implications of Legislation
- Strategies and Recommendations for Compliance

Why are Cybersecurity and Data Privacy Important?

- Increasing Regulatory Landscape
- Commoditization of Information
- Competitive Edge

What do We Mean by “Cybersecurity” and “Data Privacy?”

- Cybersecurity – Security Safeguards
- Privacy Principles
 1. Accountability
 2. Focused Collection
 3. Access and Accuracy
 4. Security
 5. Data Quality
 6. Transparency
 7. Individual Control

Current State of Data Privacy Laws in the U.S.

- Piecemeal Approach
- Federal Sectoral Approach
- Active State Legislatures

The EU's General Data Protection Regulation (GDPR)

- Major Influence in State Legislatures
- Comprehensive Model
- Data Transfer and Safe Harbors

The California Consumer Privacy Act (CCPA)

- History and Background
- Applicability
- Preparation

Other States' Laws and How They Compare

- States that Passed Data Privacy Laws
 - California
 - Maine (applies to internet service providers only)
 - Nevada

Other States' Laws and How They Compare, continued

- States that Created Task Forces or Requested Studies Instead
 - Connecticut
 - Hawaii
 - Louisiana
 - North Dakota
 - Texas

- States that Proposed—but did not Pass—Data Privacy Bills
 - Illinois
 - Maryland
 - Massachusetts
 - New Jersey
 - New Mexico
 - New York
 - Rhode Island
 - Washington

Upcoming and/or Pending Legislation

- California – amendments to CCPA
- Hawaii
- Illinois
- Massachusetts
- Minnesota
- New Jersey
- New York
- Pennsylvania
- Rhode Island
- Washington

Implications of Passed Laws and Upcoming Legislation

- Continue to see piecemeal approach among the states regarding data privacy
- Bills that had been expected to pass failed to do so
 - New York, Texas, Washington
 - There are many interested parties to proposed legislation requiring negotiations and compromises
- Some states take a slower approach by creating task forces
- Other states have proposed narrower data privacy laws—those that pertain to a specific type of information or a particular industry
 - Unclear whether we will see large, comprehensive data privacy acts like GDPR

Strategies and Recommendations for Compliance

- Identify where you operate, what information you have, and what information you really need.
- Allocate Risk and Resources
- Vendor Management
- Continued Compliance

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Questions?



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