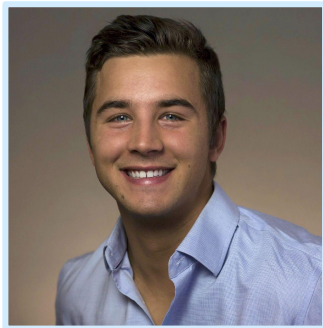


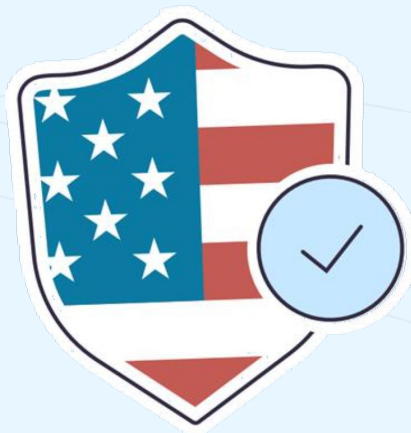
California's CPRA, Virginia's VCDPA and more: All You Need to Know on US Compliance for 2023



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Over **90,000 clients** in more than **100 countries** rely on our software solutions and direct assistance for online compliance



A few major privacy laws have set the tone in the past years...

 **the *GDPR & Cookie Law in Europe*;**
 **the *CCPA in the US (California)*.**

**But, the global privacy landscape is
at a turning point**

- *Many new laws are in the pipeline around the world*
- *More than ever, there is a strong need for better management of personal data*

Overview



US Privacy Laws Background

CalOPPA/COPPA

CCPA

*Main requirements
How iubenda helps*



Upcoming US Legislations

CPRA

VCDPA

CPA

Other laws on the horizon



Q&A Session

US Privacy Laws Background

The California Online Privacy Protection Act (**CalOPPA**) *Requirements*

Enforced in 2004

Applies to the processing of personal information of **California consumers**

Makes **privacy policies mandatory**:

- to be **accessible from the homepage** of website/app
- must include a **description of processes** for requesting changes to personal information (if applicable) and for handling “Do Not Track” requests

The Children's Online Privacy Protection Act (**COPPA**) *Requirements*

Applies to websites/online services operators that target or knowingly collect personal information of **children under 13**

💡 *Personal information here include name, SSN, location, contact information, media files...*

You must:

- give **notice to parents** and get their **verifiable consent** before collecting, using, or disclosing the information (opt-in mechanism)
- keep the information collected **secure**

💡 *Verifiable consent means not easily faked by a child and demonstrably likely to be given by an adult.*

The California Consumer Privacy Act (CCPA)

Requirements

CCPA (enforced in 2020) gives additional rights for **California consumers**:

- to be informed
- to access information you've collected about them
- **to opt out of any processing that can be considered a sale of their data**

💡 *Sale, in this context is quite broad and simply means sharing for any profit.*

To inform users and allow opt-out, you have to:

- make **specific disclosures in a privacy policy**
- display a **notice**, visible from the homepage of the site and
- include an **opt-out (DNEMPI) link**

The California Consumer Privacy Act (**CCPA**)

How iubenda software solutions help



Privacy Controls and Cookie Solution →

Customize and display on your site a **CCPA notice at collection** with a “Do Not Sell My Personal Info” link



Privacy and Cookie Policy Generator →

Create your own **privacy policy** in minutes and use our **pre-drafted CCPA clauses**



Consent Database →

Keep up-to-date **records for manual opt-out**



Upcoming US Regulations

The California Privacy Rights Act (CPRA)

Overview



Effective since January 1, 2023

Enforceable on July 1, 2023



Does not replace the CCPA but amends it:

- reviewed definition of a business
- new category regarding sensitive personal information (SPI)
- expanded consumer rights
- incorporation of some GDPR principles (i.e. data minimization)



The California Privacy Rights Act (CPRA)

Overview

Who does it apply to?

Legal entities doing **business in California for profit**, that collect consumers' personal information, and meet one of the following:

- annual gross revenues in excess of \$25,000,000
- annually buy, sell, or share the personal information of 100,000 or more consumers or households
- derive 50% or more of their annual revenues from selling or sharing consumers' personal information



The California Privacy Rights Act (CPRA)

Main Requirements

The CPRA requires you to:

- provide a **specific notice** with
 - **categories** and retention duration of information, **purpose(s)** of processing
 - whether information will be **sold or shared**
 - “***Do Not Sell My Personal Information***” & “***Limit the Use of My Sensitive Personal Information***” links (if applicable)
- have a **privacy policy** available and linked in the notice
- allow consumers to **easily exercise their rights**
- implement **reasonable safety measures** (i.e. for sensitive information)
- comply with **COPPA**



The Virginia Consumer Data Protection Act (VCDPA)

Overview



Effective since January 1, 2023



Who does it apply to?

Persons that do business in Virginia or provide products/services to Virginia residents, and that:

- during a calendar year, **control or process personal data of at least 100,000 consumers**; or
- control/process personal data of **at least 25,000 consumers** and derive **over 50% of gross revenue from the sale of personal data**



An organization does not need to be located in Virginia to be affected by the VCDPA.



The Virginia Consumer Data Protection Act (VCDPA)

Main Requirements

The VCDPA requires you to:

- **comply with consumers' requests** to exercise their rights (i.e. access, correct, delete) **within 45 days** and **without discriminating them**
- provide **instructions** to **opt out of certain processing** or **appeal a business decision**
- obtain **opt-in consent** before processing consumer sensitive data
- provide consumers with a **method to submit a complaint**
- establish, implement and maintain **data security practices**
- conduct and document **data protection assessments**

You should have a **privacy policy** including the above, the categories of data, third parties and purposes.



The Colorado Privacy Act (CPA)

Overview



Goes into effect on **July 1, 2023**



Governs the processing of personal and sensitive data

Gives enhanced consumer rights, including **the right to opt out of:**

- **targeted advertising**
- the **sale** of personal data
- certain types of **profiling**



The CPA incorporates large aspects of the VCDPA.



The Colorado Privacy Act (CPA)

Main Requirements

In short, data controllers need to:

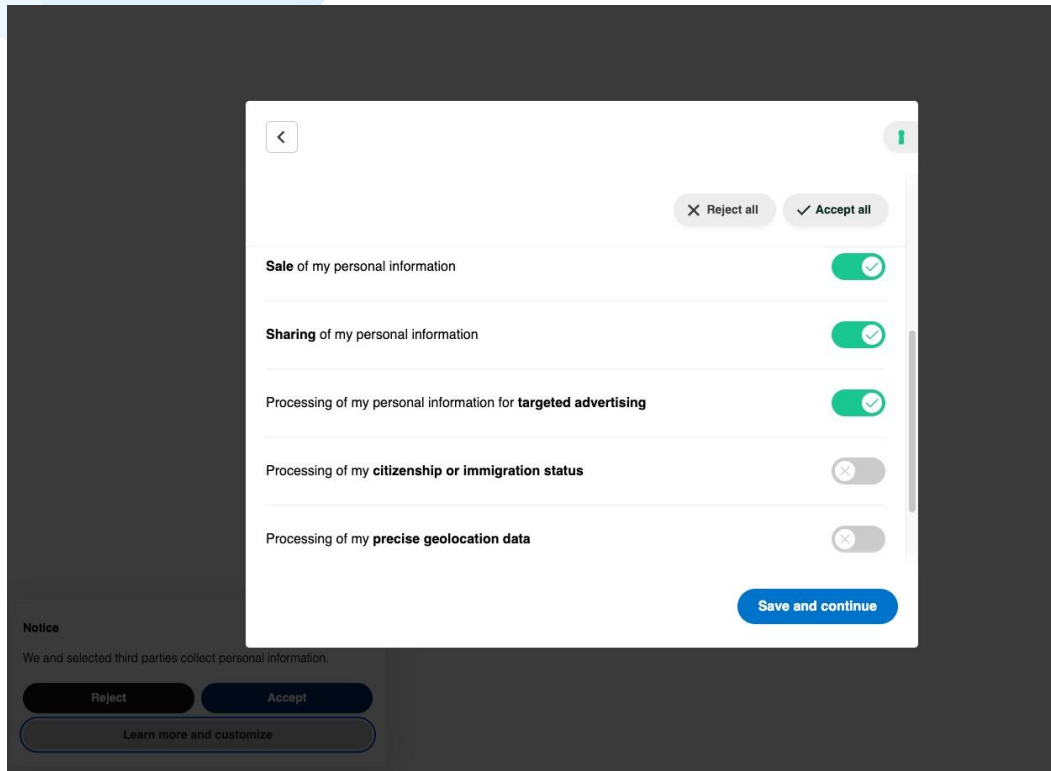
- **honor consumers' rights** to access, correct, and delete their personal data
- **respect user opt-outs**
- **answer user requests within 45 days**
- practice **transparency**, data **minimization**
- carry out **data protection assessments** (especially when handling sensitive data)



PRIVACY CONTROLS AND COOKIE SOLUTION

How iubenda helps

- Allow users to update their preferences via “**Your Privacy Choices**” panel
- Provide option to **opt-out** and/or **opt-in** to sharing of Sensitive Data
- Display cookie banner to any EU residents



PRIVACY AND COOKIE POLICY GENERATOR

How iubenda helps

1. **Activate** the New US clauses to comply with all US laws
2. Use the **Scan** feature to detect 3rd party services
3. **Specify categories** of sensitive information & Disclose sale of personal information

The screenshot displays the 'Add a service' interface in the Iubenda dashboard. At the top, it says 'Add every service you use on your website or app, all changes are saved in real time.' Below this, there's a button 'Scan website and auto-detect services' and a link 'or manually select below'. The 'SCAN RESULTS' section shows the URL 'Mywebsite.com' and the last scan time 'Jan 3, 2023, 12:53 PM'. It lists 'Perfect matches' and 'Suggestions'. The 'CATEGORIES' section shows a list of categories with their respective counts: All (1851), Access to third-party acco... (16), Advertising (1103), Advertising serving infras... (4), Analytics (98), Backup saving and management (6), Beta Testing (5), and Buildline and runnine @thl... (1). The main area displays a list of detected services with icons, names, and a '+' button to add them. Some services are marked as 'Pro'. On the right, there's a 'Create custom service' button and a 'Most frequent services' list.

Add a service

Add every service you use on your website or app, all changes are saved in real time.

Scan website and auto-detect services

or manually select below

SCAN RESULTS

Url: Mywebsite.com
Last scan: Jan 3, 2023, 12:53 PM

Perfect matches

Suggestions

CATEGORIES

| Category | Count |
|-------------------------------|-------|
| All | 1851 |
| Access to third-party acco... | 16 |
| Advertising | 1103 |
| Advertising serving infras... | 4 |
| Analytics | 98 |
| Backup saving and management | 6 |
| Beta Testing | 5 |
| Buildline and runnine @thl... | 1 |

Most frequent services

- Contact form
- Facebook acc...
- Facebook Lik...
- Google Analy...
- Google Analy...
- Google Fonts
- Google Maps ...
- Google Tag M...
- Mailing list...
- Twitter Twee...

Other Laws on the Horizon

Other Laws on the Horizon

 **Utah** - *Utah Consumer Privacy Act (UCPA)* →  December 31, 2023

 **Connecticut** - *Connecticut Data Privacy Act (CTDPA)* →  July 1, 2023

 **Canada** - *Bill C-27* - to enact the *Consumer Privacy Protection Act*



Hasn't completed legislative process yet



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Q&A