

**659A.3 Civil action.**

1. As used in [this section](#), unless the context otherwise requires:
  - a. “Harm” includes physical harm, economic harm, and emotional distress whether or not accompanied by physical or economic harm.
  - b. “Private” means any of the following:
    - (1) Created or obtained under circumstances in which a depicted individual had a reasonable expectation of privacy.
    - (2) Made accessible through theft, bribery, extortion, fraud, false pretenses, voyeurism, or exceeding authorized access to an account, message, file, device, resource, or property.
2. Except as otherwise provided in [section 659A.4](#), a depicted individual who is identifiable and who suffers harm from a person’s intentional disclosure or threatened disclosure, without the depicted individual’s consent, of an intimate image that was private has a cause of action against the person, if the person knew, or acted with reckless disregard regarding, all of the following:
  - a. The depicted individual did not consent to the disclosure.
  - b. The intimate image was private.
  - c. The depicted individual was identifiable.
3. The following conduct by a depicted individual does not establish by itself that the individual consented to the disclosure of the intimate image which is the subject of an action under [this chapter](#) or that the individual lacked a reasonable expectation of privacy:
  - a. Consent to creation of the image.
  - b. Previous consensual disclosure of the image.
4. A depicted individual who does not consent to the sexual conduct or uncovering of the part of the body depicted in an intimate image of the individual retains a reasonable expectation of privacy even if the image was created when the individual was in a public place.

[2021 Acts, ch 56, §3](#); [2023 Acts, ch 66, §147](#)

Referred to in [§659A.7](#)

Subsection 2, unnumbered paragraph 1 amended