

715D.3 Consumer data rights.

1. A consumer may invoke the consumer rights authorized pursuant to [this section](#) at any time by submitting a request to the controller, through the means specified by the controller pursuant to [section 715D.4, subsection 6](#), specifying the consumer rights the consumer wishes to invoke. A known child's parent or legal guardian may invoke such consumer rights on behalf of the known child regarding processing personal data belonging to the child. A controller shall comply with an authenticated consumer request to exercise all of the following:

a. To confirm whether a controller is processing the consumer's personal data and to access such personal data.

b. To delete personal data provided by the consumer.

c. To obtain a copy of the consumer's personal data, except as to personal data that is defined as "*personal information*" pursuant to [section 715C.1](#) that is subject to security breach protection, that the consumer previously provided to the controller in a portable and, to the extent technically practicable, readily usable format that allows the consumer to transmit the data to another controller without hindrance, where the processing is carried out by automated means.

d. To opt out of the sale of personal data.

2. Except as otherwise provided in [this chapter](#), a controller shall comply with a request by a consumer to exercise the consumer rights authorized pursuant to [this section](#) as follows:

a. A controller shall respond to the consumer without undue delay, but in all cases within ninety days of receipt of a request submitted pursuant to the methods described in [this section](#). The response period may be extended once by forty-five additional days when reasonably necessary upon considering the complexity and number of the consumer's requests by informing the consumer of any such extension within the initial ninety-day response period, together with the reason for the extension.

b. If a controller declines to take action regarding the consumer's request, the controller shall inform the consumer without undue delay of the justification for declining to take action, except in the case of a suspected fraudulent request, in which case the controller may state that the controller was unable to authenticate the request. The controller shall also provide instructions for appealing the decision pursuant to [subsection 3](#).

c. Information provided in response to a consumer request shall be provided by a controller free of charge, up to twice annually per consumer. If a request from a consumer is manifestly unfounded, excessive, repetitive, technically unfeasible, or the controller reasonably believes that the primary purpose of the request is not to exercise a consumer right, the controller may charge the consumer a reasonable fee to cover the administrative costs of complying with the request or decline to act on the request. The controller bears the burden of demonstrating the manifestly unfounded, excessive, repetitive, or technically unfeasible nature of the request.

d. If a controller is unable to authenticate a request using commercially reasonable efforts, the controller shall not be required to comply with a request to initiate an action under [this section](#) and may request that the consumer provide additional information reasonably necessary to authenticate the consumer and the consumer's request.

3. A controller shall establish a process for a consumer to appeal the controller's refusal to take action on a request within a reasonable period of time after the consumer's receipt of the decision pursuant to [this section](#). The appeal process shall be conspicuously available and similar to the process for submitting requests to initiate action pursuant to [this section](#). Within sixty days of receipt of an appeal, a controller shall inform the consumer in writing of any action taken or not taken in response to the appeal, including a written explanation of the reasons for the decision. If the appeal is denied, the controller shall also provide the consumer with an online mechanism through which the consumer may contact the attorney general to submit a complaint.

2023 Acts, ch 17, §3, 10

Referred to in §715D.1, 715D.4, 715D.5, 715D.6

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NEW section