

715D.1 Definitions.

As used in [this chapter](#), unless the context otherwise requires:

1. “*Affiliate*” means a legal entity that controls, is controlled by, or is under common control with another legal entity or shares common branding with another legal entity. For the purposes of this definition, “*control*” or “*controlled*” means:

a. Ownership of, or the power to vote, more than fifty percent of the outstanding shares of any class of voting security of a company.

b. Control in any manner over the election of a majority of the directors or of individuals exercising similar functions.

c. The power to exercise controlling influence over the management of a company.

2. “*Aggregate data*” means information that relates to a group or category of consumers, from which individual consumer identities have been removed, that is not linked or reasonably linkable to any consumer.

3. “*Authenticate*” means verifying through reasonable means that a consumer, entitled to exercise their consumer rights in [section 715D.3](#), is the same consumer exercising such consumer rights with respect to the personal data at issue.

4. “*Biometric data*” means data generated by automatic measurements of an individual’s biological characteristics, such as a fingerprint, voiceprint, eye retinas, irises, or other unique biological patterns or characteristics that is used to identify a specific individual. “*Biometric data*” does not include a physical or digital photograph, a video or audio recording or data generated therefrom, or information collected, used, or stored for health care treatment, payment, or operations under HIPAA.

5. “*Child*” means any natural person younger than thirteen years of age.

6. “*Consent*” means a clear affirmative act signifying a consumer’s freely given, specific, informed, and unambiguous agreement to process personal data relating to the consumer. “*Consent*” may include a written statement, including a statement written by electronic means, or any other unambiguous affirmative action.

7. “*Consumer*” means a natural person who is a resident of the state acting only in an individual or household context and excluding a natural person acting in a commercial or employment context.

8. “*Controller*” means a person that, alone or jointly with others, determines the purpose and means of processing personal data.

9. “*Covered entity*” means the same as “*covered entity*” defined by HIPAA.

10. “*De-identified data*” means data that cannot reasonably be linked to an identified or identifiable natural person.

11. “*Fund*” means the consumer education and litigation fund established pursuant to [section 714.16C](#).

12. “*Health care provider*” means any of the following:

a. A general hospital, ambulatory surgical or treatment center, skilled nursing center, or assisted living center licensed or certified by the state.

b. A psychiatric hospital licensed by the state.

c. A hospital operated by the state.

d. A hospital operated by the state board of regents.

e. A person licensed to practice medicine or osteopathy in the state.

f. A person licensed to furnish health care policies or plans in the state.

g. A person licensed to practice dentistry in the state.

h. “*Health care provider*” does not include a continuing care retirement community or any nursing facility of a religious body which depends upon prayer alone for healing.

13. “*Health Insurance Portability and Accountability Act*” or “*HIPAA*” means the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, including amendments thereto and regulations promulgated thereunder.

14. “*Health record*” means any written, printed, or electronically recorded material maintained by a health care provider in the course of providing health services to an individual concerning the individual and the services provided, including related health information provided in confidence to a health care provider.

15. “*Identified or identifiable natural person*” means a person who can be readily identified, directly or indirectly.

16. “*Institution of higher education*” means nonprofit private institutions of higher education and proprietary private institutions of higher education in the state, community colleges, and each associate-degree-granting and baccalaureate public institutions of higher education in the state.

17. “*Nonprofit organization*” means any corporation organized under [chapter 504](#), any organization exempt from taxation under sections 501(c)(3), 501(c)(6), or 501(c)(12) of the Internal Revenue Code, any organization exempt from taxation under section 501(c)(4) of the Internal Revenue Code that is established to detect or prevent insurance-related crime or fraud, and any subsidiaries and affiliates of entities organized pursuant to [chapter 499](#).

18. “*Personal data*” means any information that is linked or reasonably linkable to an identified or identifiable natural person. “*Personal data*” does not include de-identified or aggregate data or publicly available information.

19. “*Precise geolocation data*” means information derived from technology, including but not limited to global positioning system level latitude and longitude coordinates or other mechanisms, that identifies the specific location of a natural person with precision and accuracy within a radius of one thousand seven hundred fifty feet. “*Precise geolocation data*” does not include the content of communications, or any data generated by or connected to utility metering infrastructure systems or equipment for use by a utility.

20. “*Process*” or “*processing*” means any operation or set of operations performed, whether by manual or automated means, on personal data or on sets of personal data, such as the collection, use, storage, disclosure, analysis, deletion, or modification of personal data.

21. “*Processor*” means a person that processes personal data on behalf of a controller.

22. “*Protected health information*” means the same as protected health information established by HIPAA.

23. “*Pseudonymous data*” means personal data that cannot be attributed to a specific natural person without the use of additional information, provided that such additional information is kept separately and is subject to appropriate technical and organizational measures to ensure that the personal data is not attributed to an identified or identifiable natural person.

24. “*Publicly available information*” means information that is lawfully made available through federal, state, or local government records, or information that a business has reasonable basis to believe is lawfully made available to the general public through widely distributed media, by the consumer, or by a person to whom the consumer has disclosed the information, unless the consumer has restricted the information to a specific audience.

25. “*Sale of personal data*” means the exchange of personal data for monetary consideration by the controller to a third party. “*Sale of personal data*” does not include:

a. The disclosure of personal data to a processor that processes the personal data on behalf of the controller.

b. The disclosure of personal data to a third party for purposes of providing a product or service requested by the consumer or a parent of a child.

c. The disclosure or transfer of personal data to an affiliate of the controller.

d. The disclosure of information that the consumer intentionally made available to the general public via a channel of mass media and did not restrict to a specific audience.

e. The disclosure or transfer of personal data when a consumer uses or directs a controller to intentionally disclose personal data or intentionally interact with one or more third parties.

f. The disclosure or transfer of personal data to a third party as an asset that is part of a proposed or actual merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the controller’s assets.

26. “*Sensitive data*” means a category of personal data that includes the following:

a. Racial or ethnic origin, religious beliefs, mental or physical health diagnosis, sexual orientation, or citizenship or immigration status, except to the extent such data is used in order to avoid discrimination on the basis of a protected class that would violate a federal or state anti-discrimination law.

b. Genetic or biometric data that is processed for the purpose of uniquely identifying a natural person.

c. The personal data collected from a known child.

d. Precise geolocation data.

27. “State agency” means the same as defined in [129 IAC 10.2\(8B\)](#).

28. “Targeted advertising” means displaying advertisements to a consumer where the advertisement is selected based on personal data obtained from that consumer’s activities over time and across nonaffiliated websites or online applications to predict such consumer’s preferences or interests. “Targeted advertising” does not include the following:

a. Advertisements based on activities within a controller’s own or affiliated websites or online applications.

b. Advertisements based on the context of a consumer’s current search query, visit to a website, or online application.

c. Advertisements directed to a consumer in response to the consumer’s request for information or feedback.

d. Processing personal data solely for measuring or reporting advertising performance, reach, or frequency.

29. “Third party” means a natural or legal person, public authority, agency, or body other than the consumer, controller, processor, or an affiliate of the processor or the controller.

30. “Trade secret” means information, including but not limited to a formula, pattern, compilation, program, device, method, technique, or process, that consists of the following:

a. Information that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

b. Information that is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

[2023 Acts, ch 17, §1, 10](#)