

**Senate File 2208 - Introduced**

SENATE FILE 2208

BY NUNN

**A BILL FOR**

1 An Act relating to consumer data protection, making penalties  
2 applicable, and including effective date provisions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 715D.1 Definitions.

2 As used in this chapter, unless the context otherwise  
3 requires:

4 1. "*Aggregate data*" means information that relates to a  
5 group or category of consumers, from which individual consumer  
6 identities have been removed, that is not linked or reasonably  
7 linkable to any consumer.

8 2. "*Authenticate*" means verifying through reasonable means  
9 that a consumer, entitled to exercise their consumer rights in  
10 section 715D.3, is the same consumer exercising such consumer  
11 rights with respect to the personal data at issue.

12 3. "*Biometric data*" means data generated by automatic  
13 measurements of an individual's biological characteristics,  
14 such as a fingerprint, voiceprint, eye retinas, irises, or  
15 other unique biological patterns or characteristics that is  
16 used to identify a specific individual. "*Biometric data*"  
17 does not include a physical or digital photograph, a video or  
18 audio recording or data generated therefrom, or information  
19 collected, used, or stored for health care treatment, payment,  
20 or operations under HIPAA.

21 4. "*Child*" means any natural person younger than thirteen  
22 years of age.

23 5. "*Consent*" means a clear affirmative act signifying a  
24 consumer's freely given, specific, informed, and unambiguous  
25 agreement to process personal data relating to the consumer.  
26 "*Consent*" may include a written statement, including a  
27 statement written by electronic means, or any other unambiguous  
28 affirmative action.

29 6. "*Controller*" means the person that, alone or jointly with  
30 others, determines the purpose and means of processing personal  
31 data.

32 7. "*De-identified data*" means data that cannot reasonably be  
33 linked to an identified or identifiable natural person.

34 8. "*Health Insurance Portability and Accountability*  
35 *Act*" or "*HIPAA*" means the Health Insurance Portability and

1 Accountability Act of 1996, Pub. L. No. 104-191, including  
2 amendments thereto and regulations promulgated thereunder.

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

12 10. "*Process*" or "*processing*" means any operation or set  
13 of operations performed, whether by manual or automated means,  
14 on personal data or on sets of personal data, such as the  
15 collection, use, storage, disclosure, analysis, deletion, or  
16 modification of personal data.

17 11. "*Processor*" means a person that processes personal data  
18 on behalf of a controller.

19 12. "*Profiling*" means any form of solely automated  
20 processing performed on personal data to evaluate, analyze,  
21 or predict personal aspects related to an identified or  
22 identifiable natural person's economic situation, health,  
23 personal preferences, interests, reliability, behavior,  
24 location, or movements.

25 13. "*Pseudonymous data*" means personal data that cannot  
26 be attributed to a specific natural person without the use  
27 of additional information, provided that such additional  
28 information is kept separately and is subject to appropriate  
29 technical and organizational measures to ensure that  
30 the personal data is not attributed to an identified or  
31 identifiable natural person.

32 14. "*Sale of personal data*" means the exchange of personal  
33 data for monetary consideration by the controller to a third  
34 party. "*Sale of personal data*" does not include:

35 a. The disclosure of personal data to a processor that

1 processes the personal data on behalf of the controller.

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

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

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

11 *e.* The disclosure or transfer of personal data to a third  
12 party as an asset that is part of a proposed or actual merger,  
13 acquisition, bankruptcy, or other transaction in which the  
14 third party assumes control of all or part of the controller's  
15 assets.

16 15. "*Sensitive data*" means a category of personal data that  
17 includes:

18 *a.* Personal data revealing racial or ethnic origin,  
19 religious beliefs, mental or physical health diagnosis, sexual  
20 orientation, or citizenship or immigration status.

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

23 *c.* The personal data collected from a child.

24 *d.* Precise geolocation data.

25 16. "*Targeted advertising*" means displaying advertisements  
26 to a consumer where the advertisement is selected based on  
27 personal data obtained from that consumer's activities over  
28 time and across nonaffiliated websites or online applications  
29 to predict such consumer's preferences or interests. "*Targeted*  
30 *advertising*" does not include:

31 *a.* Advertisements based on activities within a controller's  
32 own or affiliated websites or online applications.

33 *b.* Advertisements based on the context of a consumer's  
34 current search query, visit to a website, or online  
35 application.

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

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

5 17. "Trade secret" means information, including but not  
6 limited to a formula, pattern, compilation, program, device,  
7 method, technique, or process, that:

8 a. Derives independent economic value, actual or potential,  
9 from not being generally known to, and not being readily  
10 ascertainable by proper means by, other persons who can obtain  
11 economic value from its disclosure or use.

12 b. Is the subject of efforts that are reasonable under the  
13 circumstances to maintain its secrecy.

14 Sec. 2. NEW SECTION. 715D.2 **Scope and exemptions.**

15 1. This chapter applies to persons conducting business in  
16 the state or producing products or services that are targeted  
17 to residents of the state and that during a calendar year  
18 either:

19 a. Control or process personal data of at least one hundred  
20 thousand consumers.

21 b. Control or process personal data of at least twenty-five  
22 thousand consumers and derive over fifty percent of gross  
23 revenue from the sale of personal data.

24 2. This chapter shall not apply to the state or any  
25 political subdivision of the state, financial institutions  
26 or data subject to Tit. V of the federal Gramm-Leach-Bliley  
27 Act of 1999, 15 U.S.C. §6801 et seq., covered entities or  
28 business associates governed by the privacy, security, and  
29 breach notification rules issued by the department of human  
30 services, the department of health, 45 C.F.R. pts. 160 and 164  
31 established pursuant to HIPAA, nonprofit organizations, or  
32 institutions of higher education.

33 3. Protected information and personal data collected  
34 under state or federal law, including but not limited to data  
35 protected under HIPAA; the federal Fair Credit Reporting Act,

1 15 U.S.C. §1681 et seq.; confidential records protected under  
2 42 U.S.C. §290dd-2; in the course of employment or application  
3 for employment; emergency contact information for employees;  
4 and for purposes of the protection of natural persons under 45  
5 C.F.R. pt. 46; are exempt from requirements in this chapter.

6 Sec. 3. NEW SECTION. 715D.3 **Consumer data rights.**

7 1. A consumer may invoke the consumer rights authorized  
8 pursuant to this section at any time by submitting a request to  
9 a controller specifying the consumer rights the consumer wishes  
10 to invoke. A child's parent or legal guardian may invoke such  
11 consumer rights on behalf of the child regarding processing  
12 personal data belonging to the child. A controller shall  
13 comply with an authenticated consumer request to exercise all  
14 of the following:

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

17 b. To correct inaccuracies in the consumer's personal data,  
18 taking into account the nature of the personal data and the  
19 purposes of the processing of the consumer's personal data.

20 c. To delete personal data provided by or obtained about  
21 the consumer.

22 d. To obtain a copy of the consumer's personal data that the  
23 consumer previously provided to the controller in a portable  
24 and, to the extent technically practicable, readily usable  
25 format that allows the consumer to transmit the data to another  
26 controller without hindrance, where the processing is carried  
27 out by automated means.

28 e. To opt out of the processing of the personal data for  
29 purposes of targeted advertising, the sale of personal data,  
30 or profiling in furtherance of decisions that produce legal or  
31 similarly significant effects concerning the consumer.

32 2. Except as otherwise provided in this chapter, a  
33 controller shall comply with a request by a consumer to  
34 exercise the consumer rights authorized pursuant to this  
35 section as follows:

1     *a.* A controller shall respond to the consumer without undue  
2 delay, but in all cases within forty-five days of receipt  
3 of a request submitted pursuant to the methods described in  
4 this section. The response period may be extended once by  
5 forty-five additional days when reasonably necessary upon  
6 considering the complexity and number of the consumer's  
7 requests by informing the consumer of any such extension within  
8 the initial forty-five-day response period, together with the  
9 reason for the extension.

10    *b.* If a controller declines to take action regarding the  
11 consumer's request, the controller shall inform the consumer  
12 without undue delay of the justification for declining to take  
13 action and instructions for how to appeal the decision pursuant  
14 to this section.

15    *c.* Information provided in response to a consumer request  
16 shall be provided by a controller free of charge, up to  
17 twice annually per consumer. If requests from a consumer  
18 are manifestly unfounded, excessive, or repetitive, the  
19 controller may charge the consumer a reasonable fee to cover  
20 the administrative costs of complying with the request or  
21 decline to act on the request. The controller bears the burden  
22 of demonstrating the manifestly unfounded, excessive, or  
23 repetitive nature of the request.

24    *d.* If a controller is unable to authenticate the request  
25 using commercially reasonable efforts, the controller shall  
26 not be required to comply with a request to initiate an action  
27 under this section and may request that the consumer provide  
28 additional information reasonably necessary to authenticate the  
29 consumer and the consumer's request.

30     3. A controller shall establish a process for a consumer  
31 to appeal the controller's refusal to take action on a request  
32 within a reasonable period of time after the consumer's  
33 receipt of the decision pursuant to this section. The appeal  
34 process shall be conspicuously available and similar to the  
35 process for submitting requests to initiate action pursuant to

1 this section. Within sixty days of receipt of an appeal, a  
2 controller shall inform the consumer in writing of any action  
3 taken or not taken in response to the appeal, including a  
4 written explanation of the reasons for the decisions. If  
5 the appeal is denied, the controller shall also provide the  
6 consumer with an online mechanism through which the consumer  
7 may contact the attorney general to submit a complaint.

8 Sec. 4. NEW SECTION. 715D.4 **Data controller duties.**

9 1. A controller shall limit the collection of personal data  
10 to what is reasonably necessary in relation to the purposes for  
11 which such data is processed and disclose the collection of the  
12 data to the consumer and obtain consent from the consumer for  
13 the data collection. A controller shall adopt and implement  
14 reasonable administrative, technical, and physical data  
15 security practices to protect the confidentiality, integrity,  
16 and accessibility of personal data. A controller shall not  
17 process sensitive data without the consumer's consent.

18 2. A controller shall not discriminate against a consumer  
19 for exercising any of the consumer rights contained in this  
20 chapter, including denying goods or services, charging  
21 different prices or rates for goods or services, or providing  
22 a different level of quality of goods and services to the  
23 consumer.

24 3. Any provision of a contract or agreement that purports to  
25 waive or limit in any way consumer rights pursuant to section  
26 715E.3 shall be deemed contrary to public policy and shall be  
27 void and unenforceable.

28 4. A controller shall provide consumers with a reasonably  
29 accessible, clear, and meaningful privacy notice that includes:

30 a. The categories of personal data processed by the  
31 controller.

32 b. The purpose for processing personal data.

33 c. How consumers may exercise their consumer rights pursuant  
34 to section 715D.3, including how a consumer may appeal a  
35 controller's decision with regard to the consumer's request.



1     *d.* The categories of personal data that the controller  
2 shares with third parties, if any.

3     *e.* The categories of third parties, if any, with whom the  
4 controller shares personal data.

5     5. If a controller sells a consumer's personal data to third  
6 parties or uses such personal data for targeted advertising,  
7 the controller shall clearly and conspicuously disclose such  
8 activity, as well as the manner in which a consumer may  
9 exercise the right to opt out of such sales or use.

10    6. A controller shall establish, and shall describe in  
11 a privacy notice, secure and reliable means for consumers to  
12 submit a request to exercise their consumer rights under this  
13 chapter. Such means shall consider the need for secure and  
14 reliable communication of such requests and the ability of  
15 the controller to authenticate the identity of the consumer  
16 making the request. A controller shall not require a consumer  
17 to create a new account in order to exercise consumer rights  
18 pursuant to section 715D.3.

19    Sec. 5. NEW SECTION. 715D.5 Processor duties.

20    1. A processor shall assist a controller in duties required  
21 under this chapter.

22    2. A contract between a controller and a processor shall  
23 govern the processor's data processing procedures with respect  
24 to processing performed on behalf of the controller. The  
25 contract shall clearly set forth instructions for processing  
26 personal data, the nature and purpose of processing, the type  
27 of data subject to processing, the duration of processing, and  
28 the rights and duties of both parties. The contract shall also  
29 include requirements that the processor shall do all of the  
30 following:

31    *a.* Ensure that each person processing personal data is  
32 subject to a duty of confidentiality with respect to the data.

33    *b.* At the controller's direction, delete or return all  
34 personal data to the controller as requested at the end of the  
35 provision of services, unless retention of the personal data

1 is required by law.

2 *c.* Upon the reasonable request of the controller, make  
3 available to the controller all information in the processor's  
4 possession necessary to demonstrate the processor's compliance  
5 with the duties in this chapter.

6 *d.* Cooperate with reasonable assessments by the controller,  
7 the controller's designated assessor, or qualified and  
8 independent third-party assessor as chosen by the processor  
9 that will provide a report of such assessment to the controller  
10 upon request.

11 *e.* Engage any subcontractor or agent pursuant to a written  
12 contract in accordance with this section that requires the  
13 subcontractor to meet the duties of the processor with respect  
14 to the personal data.

15 **Sec. 6. NEW SECTION. 715D.6 Data protection assessments.**

16 1. A controller shall conduct and document a data protection  
17 assessment regarding processing activities involving personal  
18 data, including but not limited to the sale of personal  
19 data, the use of personal data for targeted advertising, and  
20 processing that results in a reasonably foreseeable risk of  
21 unfair discrimination, injury, or intrusions to a consumer's  
22 expectation of privacy.

23 2. Data protection assessments conducted pursuant to  
24 subsection 1 shall identify and evaluate benefits and risks  
25 regarding data processing, the controller, the consumer,  
26 other stakeholders, and the public. Safeguards used by  
27 the controller and processor may be considered. The use  
28 of de-identified data and the reasonable expectations of  
29 consumers, as well as the context of the processing and the  
30 relationship between the controller and the consumer whose  
31 personal data will be processed, shall be factored into this  
32 assessment by the controller.

33 3. The attorney general may request, pursuant to a consumer  
34 complaint, that a controller disclose relevant data protection  
35 assessment information during an investigation conducted by the

1 attorney general under section 714.16. The controller shall  
2 make the data protection assessment available to the attorney  
3 general. The attorney general may evaluate the data protection  
4 assessment for compliance with the responsibilities set forth  
5 in section 715D.4. Pursuant to section 714.16, subsection 7,  
6 the attorney general may seek and obtain an order that a party  
7 held in violation of this section pay damages to the attorney  
8 general on behalf of a person injured by the violation.

9 4. Data protection assessments conducted by a controller  
10 for the purpose of compliance with other laws or regulations  
11 may comply under this section if the assessments have a  
12 reasonably comparable scope and effect.

13 Sec. 7. NEW SECTION. 715D.7 Processing data — exemptions.

14 1. A controller in possession of de-identified data shall  
15 comply with the following:

16 a. Take reasonable measures to ensure that the data cannot  
17 be associated with a natural person.

18 b. Publicly commit to maintaining and using de-identified  
19 data without attempting to re-identify the data.

20 c. Contractually obligate any recipients of the  
21 de-identified data to comply with all provisions of this  
22 chapter.

23 2. Nothing in this chapter shall be construed to require  
24 a controller or processor to comply with an authenticated  
25 consumer rights request, pursuant to section 715D.3, if all of  
26 the following are true:

27 a. The controller is not reasonably capable of associating  
28 the request with the personal data or it would be unreasonably  
29 burdensome for the controller to associate the request with the  
30 personal data.

31 b. The controller does not use the personal data to  
32 recognize or respond to the specific consumer who is the  
33 subject of the personal data, or associate the personal data  
34 with other personal data about the same specific consumer.

35 c. The controller does not sell the personal data to any

1 third party or otherwise voluntarily disclose the personal data  
2 to any third party other than a processor, except as otherwise  
3 permitted in this chapter.

4 3. Consumer rights contained in sections 715D.3 and 715D.4  
5 shall not apply to pseudonymous data in cases where the  
6 controller is able to demonstrate any information necessary  
7 to identify the consumer is kept separately and is subject to  
8 effective technical and organizational controls that prevent  
9 the controller from accessing such information.

10 4. Controllers that disclose pseudonymous data or  
11 de-identified data shall exercise reasonable oversight to  
12 monitor compliance with any contractual commitments to which  
13 the pseudonymous data or de-identified data is subject and  
14 shall take appropriate steps to address any breaches of those  
15 contractual commitments.

16 Sec. 8. NEW SECTION. 715D.8 Limitations.

17 1. The duties imposed on a controller or processor under  
18 this chapter shall not restrict a controller's or processor's  
19 ability beyond the extent reasonably necessary to improve  
20 essential internal processes; collect, use, or retain data  
21 to conduct internal research to develop, improve, or repair  
22 products, services, or technology; effectuate a product recall;  
23 or identify and repair technical errors that impair existing or  
24 intended functionality.

25 2. A controller or processor that discloses personal data  
26 to a third-party controller or processor, in compliance with  
27 the requirements of this chapter, is not in violation of  
28 this chapter if the third-party controller or processor that  
29 receives and processes such personal data is in violation of  
30 this chapter, provided that, at the time of disclosing the  
31 personal data, the disclosing controller or processor did not  
32 have actual knowledge that the recipient intended to commit a  
33 violation. A third-party controller or processor receiving  
34 personal data from a controller or processor in compliance with  
35 the requirements of this chapter is likewise not in violation

1 of this chapter for the offenses of the controller or processor  
2 from which it receives such personal data.

3 3. If a controller processes personal data pursuant to an  
4 exemption, the controller bears the burden of demonstrating  
5 that such processing qualifies for the exemption and complies  
6 with the requirements in this chapter.

7 4. This chapter shall not require a controller, processor,  
8 third party, or consumer to disclose trade secrets.

9 Sec. 9. Section 714.16, subsection 2, Code 2022, is amended  
10 by adding the following new paragraph:

11 NEW PARAGRAPH. *g.* It is an unlawful practice for a  
12 controller or processor of personal data to violate any of the  
13 provisions of chapter 715D.

14 Sec. 10. EFFECTIVE DATE. This Act takes effect January 1,  
15 2024.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with  
18 the explanation's substance by the members of the general assembly.

19 This bill relates to consumer data protection.

20 The bill defines "controller" to mean a person that, alone  
21 or jointly with others, determines the purpose and means  
22 of processing personal data. The bill defines "process"  
23 or "processing" to mean any operation or set of operations  
24 performed, whether by manual or automated means, on personal  
25 data or on sets of personal data, such as the collection, use,  
26 storage, disclosure, analysis, deletion, or modification of  
27 personal data. The bill defines "processor" to mean a person  
28 that processes personal data on behalf of a controller. The  
29 bill defines "pseudonymous data" to mean personal data that  
30 cannot be attributed to a specific natural person without the  
31 use of additional information. The bill defines "targeted  
32 advertising" to mean displaying advertisements to a consumer  
33 where the advertisement is selected based on personal data  
34 obtained from that consumer's activities over time and across  
35 nonaffiliated websites or online applications to predict such

1 consumer's preferences or interests, with exceptions.

2 The bill provides that persons conducting business in the  
3 state or producing products or services targeted to Iowans  
4 that annually control or process personal data of over 99,999  
5 consumers or control or process personal data of 25,000  
6 consumers with 50 percent of gross revenue from the sale of the  
7 personal data shall be subject to the provisions of the bill.  
8 The state and political subdivisions of the state, financial  
9 institutions or data subject to the Gramm-Leach-Bliley Act of  
10 1999, certain organizations governed by rules by the department  
11 of human services, the department of health, certain federal  
12 governance laws and HIPAA, nonprofit organizations, higher  
13 learning institutions, and certain protected information and  
14 personal data collected under state or federal laws are exempt  
15 from provisions in the bill.

16 The bill provides consumers have personal data rights  
17 that may be invoked at any time. Consumers or the parent of  
18 a child may submit a request to a controller for a copy of  
19 the controller's information relating to personal data. The  
20 controller shall comply with such requests to confirm or deny  
21 whether the controller is processing the personal data, to  
22 delete or correct inaccuracies in personal data, to provide the  
23 consumer with a copy of their personal data, and to remove the  
24 consumer or child from personal data processing.

25 The bill requires that controllers provide responses to  
26 defined personal data requests within 45 days of a consumer  
27 initiating a request. Responses to personal data requests  
28 shall be provided to a consumer free of charge up to twice per  
29 year except where requests are overly burdensome or manifestly  
30 unfounded. A business may extend the deadline for good cause,  
31 including complexity, once by up to 45 days after informing the  
32 consumer of the reason for the extension. The bill provides  
33 that controllers are not required to comply with requests where  
34 a controller is unable through commercially reasonable efforts  
35 to verify the identity of the consumer submitting the request.

1 The bill requires that controllers permit consumers to access  
2 an appeals process and provide consumers with information  
3 regarding the appeals process in situations where a consumer's  
4 request is denied.

5 The bill provides that controllers shall limit the  
6 collection of personal data to the extent reasonably necessary.  
7 Controllers must disclose to the consumer the types of data  
8 being collected and obtain consent from the consumers regarding  
9 the collection of personal data and sensitive personal data  
10 processing. Controllers must securely store personal data  
11 of consumers through administrative, technical, and physical  
12 security practices. Controllers shall not discriminate against  
13 consumers that exercise consumer data rights as provided in  
14 the bill by denying a consumer goods or services, charging  
15 different prices, or providing lower quality goods. Contract  
16 provisions that require consumers to waive rights defined by  
17 the bill will be considered void and unenforceable.

18 The bill provides that controllers give consumers reasonably  
19 accessible and clear privacy notices that inform consumers of  
20 the information regarding personal data transfer and purposes  
21 and the methods for consumers to exercise rights. The bill  
22 provides that controllers selling personal data to third  
23 parties or using targeted advertising must clearly disclose  
24 such activity and the right for the consumer to opt out of  
25 such sales or use. The bill requires a controller to create a  
26 method for private and secure processing of consumer requests.

27 The bill requires processors and the assigns or  
28 subcontractors of processors to assist controllers in complying  
29 with duties created by the bill.

30 The bill requires controllers to conduct assessments of  
31 processing activities regarding personal data. Data protection  
32 assessments shall consider benefits and risks regarding  
33 personal data processing to the controller, consumer, public,  
34 and other stakeholders among other factors identified by the  
35 bill. The bill provides that the attorney general may request,

1 pursuant to a consumer complaint, an investigation pursuant  
2 to Code section 714.16 and require that a controller disclose  
3 relevant data protection assessment information and analyze  
4 the provided information for compliance with duties described  
5 by the bill. Other data protection assessments a controller  
6 has conducted may suffice for purposes of the bill if the  
7 assessments are reasonably similar.

8 The bill includes personal data processing exemptions,  
9 including pseudonymous data and de-identified data as defined  
10 by the bill. The bill requires that controllers in possession  
11 of de-identified data take measures to ensure that the data  
12 remains de-identified, publicly commit to a de-identified  
13 maintenance process, and require agents and assigns to adhere  
14 to provisions of the bill. The bill identifies exceptions  
15 where controllers or processors are not required to comply  
16 with a consumer rights request pursuant to the bill. The bill  
17 requires controllers disclosing pseudonymous or de-identified  
18 data to exercise reasonable oversight, security, and breach  
19 mitigation measures.

20 The bill provides that the bill shall not, beyond the  
21 degree reasonably necessary, restrict controller or processor  
22 abilities to improve business or function. Controllers or  
23 processors sharing personal data with third parties are not  
24 liable for the noncompliance of third parties if the controller  
25 or processor did not have personal knowledge of the violation  
26 or intent to commit a violation, nor is a third party liable  
27 for violations of a controller or processor. The bill provides  
28 that if a controller seeks an exemption, the controller bears  
29 the burden of demonstrating that the controller qualifies for  
30 the exemption and the exemption complies with the requirements  
31 in the bill.

32 The bill shall not require a business, consumer, or other  
33 party to disclose trade secrets.

34 A violation of the bill's provisions constitutes an  
35 unlawful practice under Code section 714.16 (consumer frauds).



1 Several types of remedies are available if a court finds that a  
2 person has committed an unlawful practice, including injunctive  
3 relief, disgorgement of moneys or property, and a civil penalty  
4 not to exceed \$40,000 per violation.

5 The bill takes effect January 1, 2024.