

Privacy Bingo

State Privacy Law Edition

Virginia Consumer Data Protection Act (VCDPA)

B I N G O				
SCOPE	CONSUMER RIGHTS	WILDCARD	OBLIGATIONS	ENFORCEMENT
Includes processing threshold	Correction	Grants rulemaking authority	Impact assessments	AG has exclusive enforcement authority
Applies to B2B data	Portability	"Sensitive data" includes biometric data	Data minimization	Defined statutory penalties
Applies to employment data	Appeal		Non-discrimination	30 Day Cure Period
Entity-level GLBA exemption	Obtain list of third-party recipients	"Sale" includes money OR other valuable consideration	Security measures	Private right of action for unauthorized access
All non-profit organizations exempt	Deletion	Establishes new privacy protection agency	Recognize universal opt out signals	Enforcement actions published



Scope:

- Applies to organizations that:
 - Control or process personal data of 100,000 or more consumers during a calendar year; or
 - Control or process personal data of at least 25,000 consumers **and** derives over 50% of gross revenue from the sale of personal data



Effective date:

January 1, 2023



Consumer rights: Access; correction; deletion; opt out of processing for profiling



Controller obligations:

- Impact assessments; data minimization; purpose limitation; reasonable data security measures; non-discrimination; privacy notice



Enforcement:

- Up to \$5,000 fine per violation
- No private right of action
- Right to cure within 30 days