

Texas Privacy Law Update

Presented at UT CLE's 2024 Essential of Cybersecurity Law

Presented by:
Elizabeth Rogers
Esther Chavez
Ashley Fischer
September 25, 2024

winstead.com

1

Texas Privacy Laws Timeline from June 2023 – September 2024

- **June 16, 2023:** The Texas Data Privacy and Security Act (TDPSA) Texas became the eleventh state to provide consumers with comprehensive privacy protections when it enacted on the TDPSA (HB 4 - Tex. Bus. & Com. Code Ann. §§ 541.001 to 541.205).
- **June 17, 2023:** Consumer Genetic Testing Law
- **June 18, 2023:** Governor Abbott signed the Texas Data Broker Law, (SB 2105 - Tex. Bus. & Com. Code Ann. §§ 509.001 to 509.010)
- **September 1, 2023:** Effective date of Texas Data Broker Law and Consumer Genetic Testing Law.
- **July 1, 2024:** The TDPSA takes effect.
- **September 1, 2024:** Securing Children Online through Parental Empowerment Act (SCOPE Act) becomes effective

winstead.com



2

Scope of Coverage of the TDPSA

- Broad - Businesses who produce products or services are “consumed by” Texans whether targeted or not
- Exemptions
 - Small Businesses under SBA Code: Guidance for how to determine “small business status”
 - Non-Profits
 - GLBA
 - HIPAA

Comparison of Business Obligations under TDPSA and other States

State Law	Opt-in consent for certain types of data processing	Opt-out consent for certain types of data processing	Must present users with a privacy policy (or notice)	Requires Data Protection Assessments	Outlines Contractual Obligation with Third-Party Processors	Allows for civil lawsuits or private right of action	Must honor Global Privacy Controls/browser privacy settings
TDPSA		✓	✓	✓	✓		✓
CCPA/CPRA	✓	✓	✓	✓	✓	✓	✓
CPA		✓	✓	✓	✓		✓
CTDPA		✓	✓	✓	✓		✓
DPDPA	✓	✓	✓	✓	✓		✓
FDBR		✓	✓	✓	✓		
Indiana CDPA		✓	✓	✓	✓		
Iowa CDPA		✓	✓		✓		
KCDPA	✓	✓	✓	✓	✓		
MN CDPA	✓	✓	✓	✓	✓		✓
MT CDPA		✓	✓	✓	✓		✓
MODPA	✓	✓	✓	✓	✓		✓
NHDPL	✓	✓	✓	✓	✓		✓
NJDPA	✓	✓	✓	✓	✓		✓
OCPA		✓	✓	✓	✓		✓
TIPA	✓	✓	✓	✓	✓		
UCPA		✓	✓		✓		
VCDPA		✓	✓	✓	✓		

Timeline for Effective Dates

Currently effective	Effective October 1, 2024	Effective January 1, 15, 2025	Effective July 1, 31, 2025	Effective October 1, 2025	Effective January 1, 2026
California Consumer Protection Act (CCPA), as amended by the California Privacy Rights Act (CPRA)	Montana Consumer Data Privacy Act (MCDPA)	Delaware Personal Data Privacy Act (DPDPA) (1.1.25)	Tennessee Information Protection Act (TIPA) (7.1.25)	Maryland Online Data Privacy Act (MODPA)	Indiana Consumer Data Protection Act (Indiana CDPA)
Colorado Privacy Act (CPA)		Iowa Consumer Data Protection Act (Iowa CDPA) (1.1.25)	Minnesota Consumer Data Privacy Act (MCDPA) (7.31.25)		Kentucky Consumer Data Protection Act (KCDPA)
Connecticut Data Privacy Act (CTDPA)		New Hampshire Data Privacy Law (NHDPL) (1.1.25)			
Utah Consumer Privacy Act (UCPA)		New Jersey Data Privacy Act (NJDPDA) (1.15.25)			
Virginia Consumer Data Protection Act (VCDPA)					
Florida Digital Bill of Rights (FDBR)					
Oregon Consumer Privacy Act (OCPA)					
Texas Data Privacy and Security Act					

winstead.com WINSTEAD

5

Overview of the Texas Office of Attorney General Data Privacy & Security Enforcement Team

- Esther
 - What is the Scope of the Team’s Enforcement Authority?
 - TDPSA
 - Texas Identity Theft Enforcement and Protection Act (Data Breach Notification Law)
 - Data Broker Law
 - Consumer Genetic Testing Law
 - Biometric Identifier Act – Texas Capture or Use of Biometric Identifier (CUBI”)
 - Texas Deceptive Trade Practices Act
 - Securing Children Online through Parental Empowerment Act (SCOPE Act)
 - Federal laws
 - Children’s Online Privacy Protection Act
 - Health Insurance Portability and Accountability Act

winstead.com

WINSTEAD

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Texas Privacy Law Update

Also available as part of the eCourse

[Texas Privacy Law Update](#)

First appeared as part of the conference materials for the
2024 Essential Cybersecurity Law session

"Texas Privacy Law Update"