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 **TEXAS Law**  
The University of Texas at Austin  
School of Law

# PRIVACY LAW UPDATES:

## Other States and International

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**JEREMY RUCKER**  
Attorney, Spencer Fane LLP

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## Overview of State Privacy Laws

- 19 states with signed comprehensive data privacy laws
  - CA; CO; CT; DE; IN; IA; **KY; MD; MN; MT; NE; NH; NJ; OR; RI; TN; TX; UT; VA**
  - 8 signed into law within the past year
- 189 total comprehensive privacy bills introduced between 2018 and 2023
- CA and CO provide rulemaking authority to AG or enforcement agency
- No restrictions on international data transfers

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# Overview of State Privacy Laws

- Definitions: personal data/personal information; health data; biometric data; children's data; sales
- Obligations:
  - Data processing records (CA – maintain records of consumer requests)
  - Data Protection Impact Assessments
  - Data retention
  - Vendor contracts
  - Processing restrictions
  - Data security
- Consumer Rights:
  - Right to know
  - Right to access
  - Right to correct (most - excludes IA and UT)
  - Right to deletion
  - Right to object to certain processing
  - Right to data portability
- Exemptions:
  - Entity level (e.g., entities regulated by HIPAA)
  - Data level (e.g., data regulated under HIPAA)

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# Overview of State Privacy Laws

- RI (eff. Jan 1, 2026) –no right to cure (sign of future laws?)
- DE (eff. Jan 1, 2025) – low applicability threshold of 35,000 consumers or data of 10,000 consumers with over 20% of gross revenue derived from personal data sales
- TX (eff. July 1, 2024) – broad applicability – any processing of data or any sale of data (however, excludes small businesses)
- MD (eff. Oct 1, 2025) – restriction on selling or processing sensitive data with certain exceptions;
- CO (eff. July 1, 2023) – applies to non-profits

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# Texas

- Texas Data Privacy and Security Act
- Effective July 1, 2024
- Sets Texas standard for the collection, use, processing, and treatment of consumers' personal data
- Enforcement: Texas Attorney General

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# United States - Federal

- American Privacy Rights Act of 2024 (H.R. 8818)
  - Introduced on June 25, 2024 (currently in Committee)
  - Scope: businesses subject to FTC authority; common carriers; nonprofits (excludes certain small businesses)
  - Purpose: “to provide Americans with foundational data privacy rights, create strong oversight mechanisms, and establish meaningful enforcement . . .”
  - Requires data minimization, privacy by design, transparency, opt out rights, data security
  - Exclusions: less than \$40mm revenue; processing data of less than 200,000 individuals; and not earn revenue from transfer of covered data
  - Preempts state law, with certain exceptions; some existing federal privacy laws are preserved
  - Includes private right of action
  - Enforcement: FTC, state attorneys general or chief consumer protection officers, authorized officer or office of the state

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