

Colorado Privacy Act (CPA)

Background and Scope

The Colorado Privacy Act (CPA) was enacted on July 1, 2021 and becomes effective on July 1, 2023.

The CPA is generally applicable to entities that, alone or jointly, determine the purpose for and means of processing personal data, do business in Colorado or produce or deliver commercial products or services intentionally targeting Colorado residents, and that:

- control or process the personal data of at least 100,000 Colorado residents in a calendar year; or
- derive revenue or receive a discount on the price of goods or services from the sale of personal data and process or control the personal data of at least 25,000 Colorado residents.

The CPA does not apply to the personal data of individuals acting in a commercial or employment context (e.g., job applicants, employees).

Exceptions

The CPA includes a number of significant exceptions, including an exception for “a financial institution or an affiliate of a financial institution . . . subject to the federal Gramm-Leach-Bliley Act.” Col. Rev. Stat. § 6-1-1304(2)(q). A business’s privacy professionals should carefully consider their business’s subsidiaries and business lines in relation to this exemption.

Notable Requirements

- Privacy notice;
- Right to opt-out of processing for purposes of:
 - profiling,
 - sale (for monetary or non-monetary consideration), or
 - use of personal data for targeted advertising purposes;
- Right to access and port the personal data collected about them;
- Right to correct inaccurate personal data;
- Right to delete certain personal data;
- Right to appeal denied privacy rights requests;
- Right to confirm whether controller is processing their personal data;
- Secure consent before processing sensitive data;
- Data protection assessments;
- Required contract terms;
- Data minimization; and
- Non-discrimination.

Other State Privacy Laws to Consider

(not exhaustive)

- Colorado Privacy of Consumer Financial and Health Information Regulation
- Colorado Information Security Law
- Colorado Document Disposal Law
- Colorado Data Breach Notification Law

Contacts



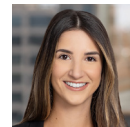
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