

OVERVIEW



THE CONNECTICUT DATA PRIVACY ACT (CTDPA)

The Connecticut Data Privacy Act (CTDPA)

The Connecticut Data Privacy Act (CTDPA) is a significant step forward in protecting the privacy rights of Connecticut residents. The CTDPA, effective from July 1, 2023, aligns Connecticut with other U.S. states (such as California, Colorado, and Utah) that have implemented data privacy laws. The primary goal is to offer residents more control over their personal data and to standardize the obligations businesses must adhere to.



Applicability of the CTDPA

The CTDPA is applicable to businesses that operate within Connecticut or offer services/products to its residents and has

- Processed data of **100,000 or more consumers** in the previous year (excluding solely for a payment transaction).
- Or processed data of **at least 25,000 consumers** and derived **over 25% of their gross revenue** from selling this data.

Exemptions from the Act

Certain organizations are exempt from the CTDPA. These include:

- State agencies.
- Nonprofit organizations.
- Higher education institutions.
- Financial institutions and those subjected to the Gramm-Leach-Bliley Act.
- Covered entities and business associates under HIPAA.

Definitions

Consumer:	A Connecticut resident, including individuals acting in a commercial or employment context
Sale of personal data:	The exchange of personal data for monetary or other valuable consideration by the controller to a third party
Personal Data:	Any information that is linked or reasonably linkable to an identified or identifiable individual. Explicitly excludes any deidentified data or publicly available information



Obligations

Data collection -	Businesses are required to limit the collection of personal data to what is adequate, relevant, and reasonably necessary in relation to the purposes of the processing.
Usage limitations -	Unless an exception applies, such as obtaining consent, businesses can't process personal data for purposes that are neither reasonably necessary to, nor compatible with, the disclosed purposes.
Data processing contracts -	The law requires there be a contract between a controller and processor to govern the data processing performed by the processor on behalf of the controller.
Consent -	Explicit consent is required for processing sensitive personal data. Consent is also required when processing personal data for targeted advertising or selling personal data of consumers between 13 and 16 years old. The law specifically dictates that consent cannot be obtained through the use of dark patterns
Notice -	Businesses must offer a transparent privacy notice outlining data processing, its purpose, consumer rights, data-sharing practices, third-party interactions, and a contact method; additionally, if data is sold or used for targeted ads, this must be clearly disclosed with opt-out instructions.
DSRs -	Businesses must respond to a consumer's request "without undue delay" but within 45 days after receiving the request, which may be extended an additional 45 days when reasonably necessary.

Handling Sensitive Data

The CTDPA defines sensitive data as personal data that reveals racial or ethnic origin, religious beliefs, mental or physical health conditions or diagnosis, sex life, sexual orientation or citizenship or immigration status, as well as genetic or biometric data used to identify an individual; children's information; or precise geolocation data. Businesses must obtain explicit consent before collecting or processing this data.

Rights under the CTDPA

Residents of Connecticut are granted the following rights:

Access	Understand what data businesses possess about them.
Correction	Amend any inaccuracies in their data.
Deletion	Request the removal of their personal data.
Data Portability	Obtain their data in a transferable format.
Opt-out	Opt out of the sale and processing of their data (targeted ads, profiling of automatic decision making, etc.)



Enforcement and penalties

Non-compliance with the CTDPA can result in fines up to \$5,000 per violation. The Connecticut Attorney General oversees the enforcement of the act and can take corrective actions against non-compliant entities.

Fine of up to

\$ 5k

Per violation



Transitioning to the CTDPA

Businesses have a transition period until December 31, 2024. During this time, non-compliant businesses will receive a notice and a 60-day window to rectify any violations. After January 1, 2025, the Attorney General's office will no longer offer this 60-day cure period.