

Comparison of Iowa & Connecticut Privacy Frameworks

Connecticut's comprehensive privacy law, which goes into effect this year, is considered to be one of the most protective state privacy statutes. While Iowa's proposal shares a similar framework and is comparable in scope with Connecticut, it is significantly less protective by every other measure.

	Iowa (SF 262)	Connecticut (Public Act No. 22-15)	Comparison
SCOPE			
Covered Entities	<ul style="list-style-type: none"> Controllers and processors who "conduct business in" Iowa or that "produce products or services that are targeted to residents" (Sec. 2(1)) Must exceed small business exceptions by satisfying 1 of 2 thresholds: <ul style="list-style-type: none"> Control or process the personal data of at least 100,000 consumers Derive over 50% of the entity's gross revenue from the sale of personal data and controlling or processing personal data of at least 25,000 consumers (Sec. 2(1)) 	<ul style="list-style-type: none"> Controllers and processors who "conduct business in" Connecticut or that "produce products or services that are targeted to residents" (Sec. 2) Must exceed small business exceptions by satisfying 1 of 2 thresholds: <ul style="list-style-type: none"> Control or process the personal data of at least 100,000 consumers (excluding for payment transactions) Derive over 25% of gross revenue from the sale of personal data and control or process personal data of at least 25,000 consumers (Sec. 2) 	Roughly Equivalent. The Iowa bill's scope of covered entities is roughly equivalent to that of Connecticut Public Act No. 22-15 (the "CTDPA").
Covered Data	<ul style="list-style-type: none"> "Personal data" means any information that is linked or reasonably linkable to an identified or identifiable natural person <ul style="list-style-type: none"> Excludes de-identified data or aggregate data or publicly available information (Sec. 1(18)) "Sensitive data" includes (a) racial or 	<ul style="list-style-type: none"> "Personal data" means any information that is linked or reasonably linkable to an identified or identifiable individual <ul style="list-style-type: none"> Excludes de-identified data and publicly available information (Sec. 1(18)) "Sensitive data" includes (a) data revealing 	Roughly Equivalent. Iowa's bill is roughly equivalent to the CTDPA; however, it does not recognize data that reveals mental or physical health

	ethnic origin, religious belief, mental or physical health diagnosis, sexual orientation, or citizenship or immigration status, (b) genetic or biometric data processed to uniquely identify a person, (c) personal data collected from a known child, (d) precise geolocation data (Sec. 1(26))	racial or ethnic origin, religious beliefs, mental or physical health condition or diagnosis, sex life, sexual orientation, or citizenship or immigration status, (b) genetic or biometric data processed to uniquely identify an individual, (c) personal data collected from a known child, (d) precise geolocation data (Sec. 1(27))	“conditions” absent a diagnosis as sensitive information.
CONSUMER RIGHTS			
Affirmative Consent	<ul style="list-style-type: none"> The Iowa bill does not require that businesses obtain affirmative consent from consumers for any processing activities <ul style="list-style-type: none"> Processing sensitive data requires “clear notice and an opportunity to opt out of such processing” (Sec. 4(1)) 	<ul style="list-style-type: none"> Controllers need to obtain consumers’ affirmative consent in three circumstances: <ul style="list-style-type: none"> Secondary uses (Sec. 6(a)(2)) Processing sensitive data (Sec. 6(a)(4)) Processing adolescent (13-15 y.o.) data for targeted advertising and sales (Sec. 6(a)(7)) Controllers must provide an effective mechanism for the revocation of consumer consent (Sec. 6(a)(6)) 	<p>Significantly weaker.</p> <p>Unlike CTDPA, the Iowa bill does not require controllers to obtain affirmative consent from individuals for the use of their sensitive data or establish heightened protections for adolescent data.</p>
Data Subject Rights	<ul style="list-style-type: none"> The Iowa bill establishes the following consumer rights (Sec. 3(1)): <ul style="list-style-type: none"> Confirm whether personal data is being processed and to access such data. Delete personal data provided by the consumer Obtain personal data in a portable format A controller shall respond to a consumer request within 90 days, may be extended by 45 days where reasonably necessary (Sec. 3(2)) 	<ul style="list-style-type: none"> CTDPA establishes the following consumer rights (Sec. 4(a)): <ul style="list-style-type: none"> Confirm whether personal data is being processed and to access such data. Correct inaccuracies in personal data Delete personal data provided by, or obtained about, the consumer Obtain a copy of the personal data in a portable format A controller shall respond to a consumer request within 45 days, may be extended by 45 days where reasonably necessary (Sec. 4(c)(1)) 	<p>Significantly weaker.</p> <p>The Iowa bill does not establish a consumer right to correct inaccurate information. Furthermore, Iowa would not grant consumers the right to delete information that has been collected or bought from third party sources.</p>
Consumer Opt Outs	<ul style="list-style-type: none"> Consumers have the right to opt out of the “sale of personal data” (defined narrowly) (Sec. 3(1)(d)). The bill alludes to a right to 	<ul style="list-style-type: none"> Consumers have the right to opt out of “targeted advertising”, “sale of personal data” (defined broadly) and “profiling” in 	<p>Significantly weaker.</p> <p>Under the Iowa bill</p>

	<p>opt out of targeted advertising, but does not explicitly establish such a right (Sec. 4(6))</p> <ul style="list-style-type: none"> ○ Controllers may deny an opt-out request if they are unable to authenticate it using commercially reasonable means ○ Consumer opt out rights do not apply to “pseudonymous data” (Sec. (6)(3)) ○ Consumers may not exercise opt out rights via authorized agents or global device settings 	<p>furtherance of solely automated decisions that produce significant effects (Sec. 4(a)(5)).</p> <ul style="list-style-type: none"> ○ Controllers are not required to authenticate opt-out requests and can only deny a request if it has a good faith, reasonable, and documented belief that such request is fraudulent (Sec. 4(c)(4)) ○ Consumer opt out rights apply to “pseudonymous data” (Sec. 9(d)) ○ Consumers may exercise opt-out rights via authorized agents including global device settings (Sec. 5) 	<p>consumers cannot avoid being subject to automated decision-making systems and the bill does not clearly establish a right to opt out of targeted advertising. Furthermore it would be more difficult to exercise the single opt out right that the bill does contain.</p>
BUSINESS RESPONSIBILITIES			
General Business Duties	<p>The Iowa bill would establish the following general business obligations:</p> <ol style="list-style-type: none"> 1. Reasonable data security (Sec. 4(1)) 2. Non-retaliation (Sec. 4(3)) 3. Disclose data practices (transparency) (Sec. 4(5)) 4. Establish a consumer appeals process (Sec. 3(3)) 	<p>The CTDPA establishes the following general business obligations:</p> <ol style="list-style-type: none"> 1. Collection limitation and data minimization (Sec. 6(a)(1)-(2)) 2. Reasonable data security (Sec. 6(a)(3)) 3. Non-retaliation (Sec. 6(a)(7)) 4. Disclose data practices (transparency) (Sec. 6(c)) 5. Establish a consumer appeals process (Sec. 4(d)) 6. Conduct data protection assessments (Sec. 8) 	<p>Significantly weaker.</p> <p>The Iowa bill does not establish collection limitation or data minimization principles or require that covered entities conduct data protection impact assessments.</p>
ENFORCEMENT			
Enforcement	<ul style="list-style-type: none"> ● Exclusively by the Attorney General (Sec. 8(1)) ● 90 day right-to-cure in all circumstances, does not sunset (Sec. 8(2)) ● Up to \$7,500 fines per violation (Sec. 8(3)) 	<ul style="list-style-type: none"> ● Exclusively by the Attorney General (Sec. 11(a)) ● 60 day right to cure if AG deems possible, sunsets after 18 months (Sec. 11(b)) ● Up to \$5,000 fines per violation (Sec. 11(e)) 	<p>Significantly weaker.</p> <p>The Iowa bill provides for significantly weaker enforcement than the CTDPA; its right to cure is required in all circumstances and does not sunset.</p>