



# Navigating Data Privacy in 2023 and Beyond

Insights, Trends, and Future Strategies

June 1, 2023

# Presenters



**DeAndrea Salvador**

Sr. Manager, Corporate Marketing,  
DataGrail. Member of NC State Senate



**Austin Smith**

VP of Legal Product

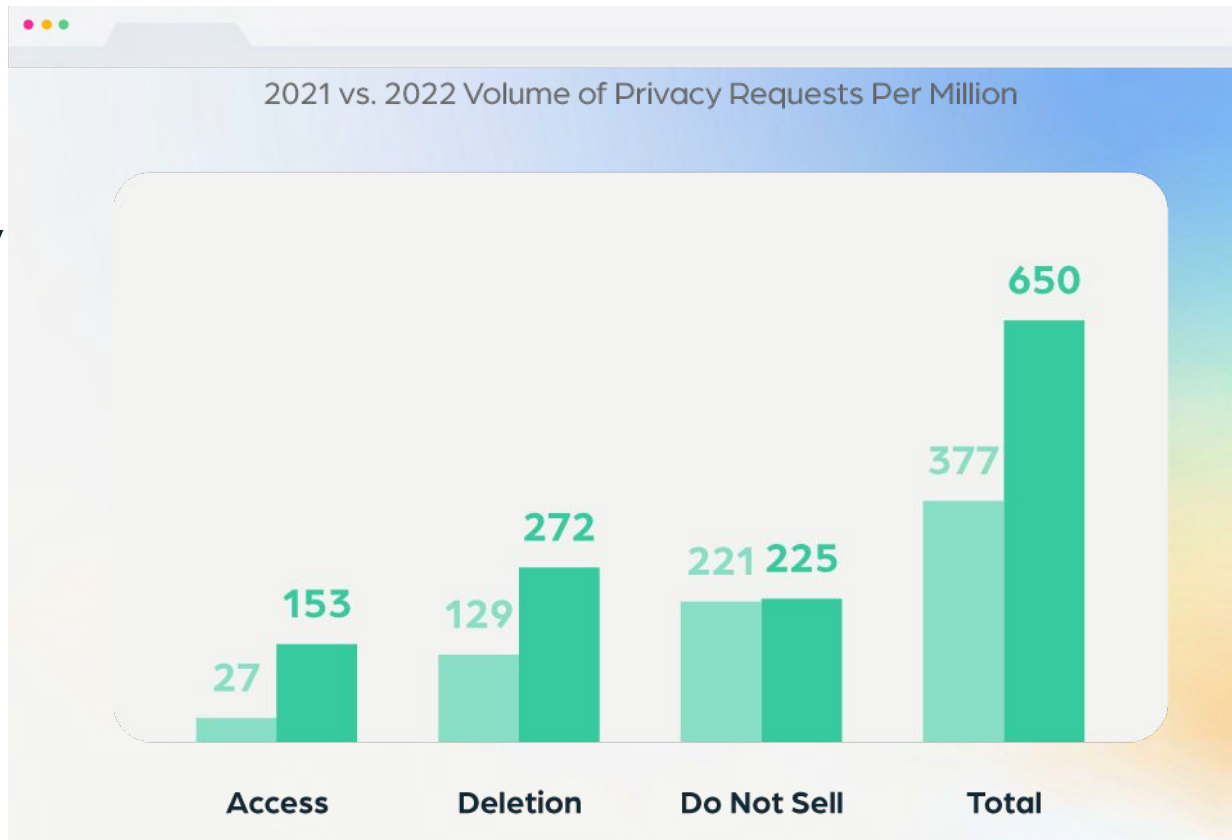


**Seth Barany**

Legal Product Associate

# Trending: Privacy Requests Increasing Annually

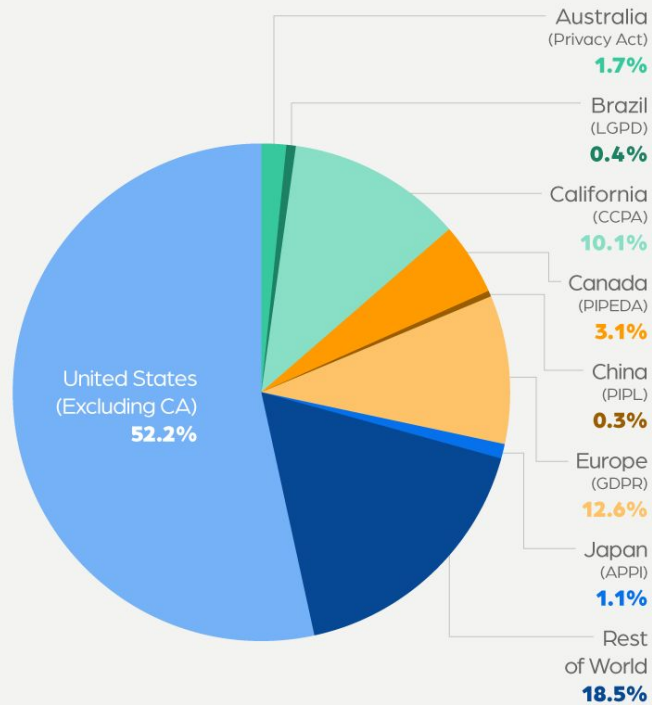
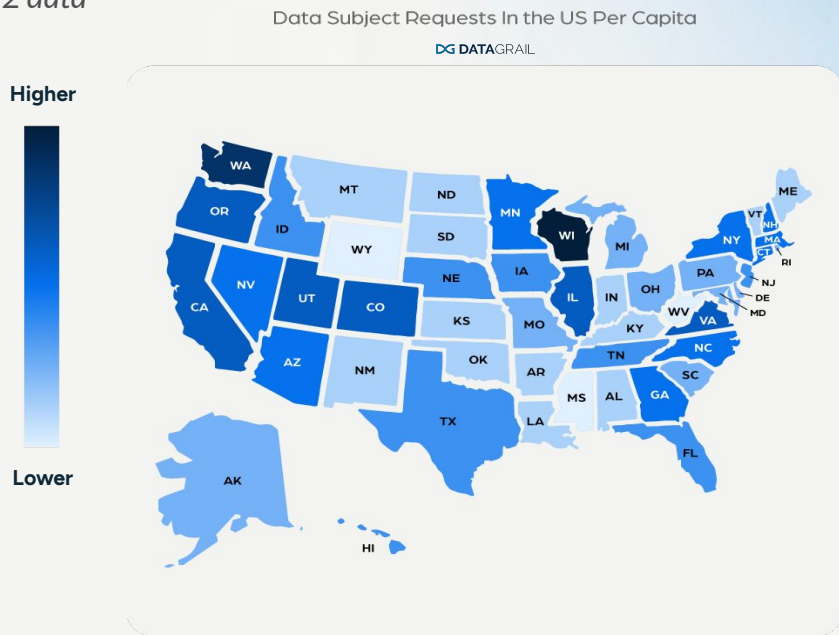
The total volume of DSRs  
per 1M identities grew by 72%  
YoY from 2021 to 2022.



# 52%

Of Privacy Requests in the U.S. come from states without comprehensive data privacy laws.

*Based on 2022 data*



# New States Coming in 2023

- Colorado and Connecticut
  - July 1, 2023
  - Fraternal triplets with Virginia
  - Opt out of (some) profiling
  - Right to appeal
  - Data Protection Assessments
  - Colorado only:
    - More enforcers
    - Universal opt-out (July 1, 2024)
- Utah
  - December 31, 2023
  - Business-friendly cousin of VA, CO, and CT



# More Regulation to Come

- Colorado's first round become effective July 1, 2023
  - Broad application – notice content, rights requests, data protection assessments, etc.
  - Department of Law to publish list of Universal Opt-Out Mechanisms businesses must recognize by January 1, 2024
- California's second round is currently being developed
  - Narrow focus – automated decision-making, cybersecurity audits, and risk assessments

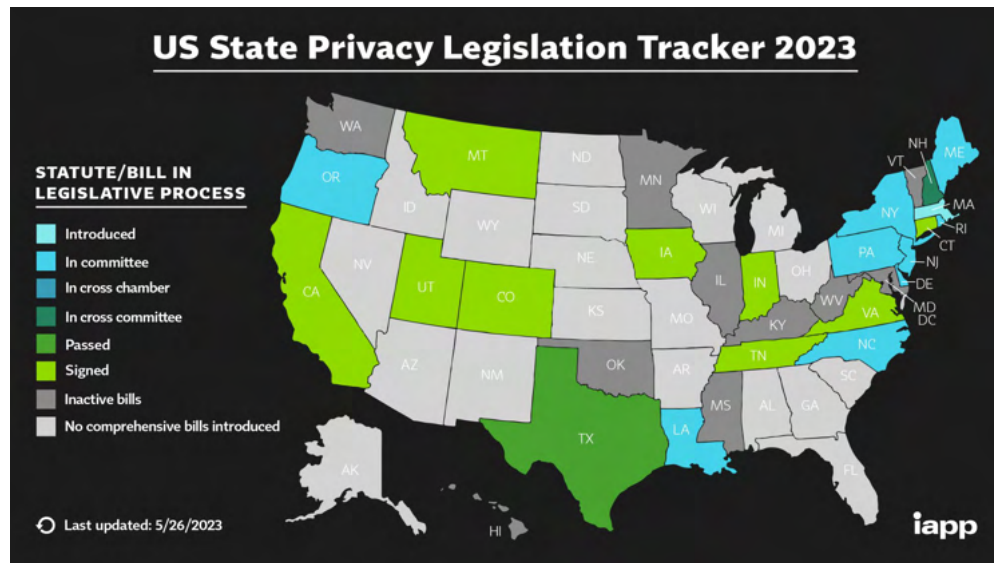
# Beyond 2023

- Number of states has already doubled in 2023

- Indiana
- Iowa
- Montana
- Tennessee: [NIST](#)
- Texas\*: complex threshold

- 15+ other states with active bills
- Children's privacy
- Artificial intelligence

Poll #1



[IAPP](#)

# WA: My Health My Data Act

- “HIPAA Gap”
- Emphasis on reproductive health and gender-affirming care
- Very broad definitions
  - Consumers (not just WA residents)
  - Consumer health data
  - Collect
- No threshold—all businesses must comply
- Separate health data privacy policy
- Onerous consent
- Geofencing
- Effective date: March 31, 2024
- Private right of action



Poll #2



# Questions? Litigate!

- MHMDA enforced by Attorney General AND private right of action
  - AG: up to \$7,500 per violation
  - PROA: treble damages up to \$25,000 per violation + fees
- Key Takeaways for Businesses
  - Broad and Vague
    - Beyond typical “health data”
    - People without connection to WA
  - No regulations
  - Rigorous consent requirements
  - (Almost) no exceptions



# Federal Legislation

- Every state that passes a privacy law increases pressure on Congress
- American Data Privacy and Protection Act (ADPPA)
  - Got out of committee in 2022
- Hurdles
  - Preemption
  - Private right of action
  - Divided government
  - Election year
- FTC active



# Thank you!



DG DATAGRAIL®

Connect with us  
on LinkedIn



sixfifty