

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: HB473

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Sickles

3. Committee: Committee Referral Pending

4. Title: Personal data; Virginia Privacy Act.

5. Summary: Gives consumers the right to access their data and determine if it has been sold to a data broker. The measure requires a controller, defined in the bill as a person that, alone or jointly with others, determines the purposes and means of the processing of personal data, to facilitate requests to exercise consumer rights regarding access, correction, deletion, restriction of processing, data portability, objection, and profiling. The measure also (i) requires transparent processing of personal data through a privacy notice, (ii) requires controllers to disclose if they process personal data for direct marketing or sell it to data brokers, and (iii) requires controllers to conduct a risk assessment of each of their processing activities involving personal data and an additional risk assessment any time there is a change in processing that materially increases the risk to consumers. The measure applies to any legal entity that conducts business in the Commonwealth or produces products or services that are intentionally targeted to residents of the Commonwealth and that (a) controls or processes personal data of not fewer than 100,000 consumers or (b) derives over 50 percent of gross revenue from the sale of personal data and processes or controls personal data of not fewer than 25,000 customers. A violation of this measure is made a prohibited practice under the Virginia Consumer Protection Act.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: No state fiscal impact.

8. Fiscal Implications: This bill is not expected to have a state fiscal impact. According to § 59.1-572 of the proposed legislation, state governments are exempt from this measure.

9. Specific Agency or Political Subdivisions Affected: None

10. Technical Amendment Necessary: No

11. Other Comments: None