

Overview of State Privacy Laws Relating to Children's Privacy

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| State | Applicability | Effective Date | Age | Requirements |
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| Arkansas Age Verificati on Social Media Act | <p>"Social media platform" means a public or semipublic internet-based service or application:</p> <p>(i) That has users in Arkansas; and</p> <p>(ii)(a) On which a substantial function of the service or application is to connect users in order to allow users to interact socially with each other within the service or application.</p> <p>"Social media platform" does not include a social media platform that is controlled by a business entity that has generated less than one hundred million dollars</p> | September 1, 2023 | Applies to Minors | <p>https://legiscan.com/AR/bill/SB396/2023</p> <p>A social media company shall not permit an Arkansas user who is a minor to be an account holder on the social media company's social media platform unless the minor has the express consent of a parent or legal guardian.</p> <p>Social media company shall use a third party vendor to perform age verification.</p> <p>Private Right of Action for damages.</p> |

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| | (\$100,000,000) in annual gross revenue. | | | |
| California CCPA | <p>A for-profit “business” that does business in CA, meeting one of three thresholds:</p> <ol style="list-style-type: none"> 1. Annual revenues over \$25,000,000; 2. Collect personal information of over 50,000 consumers or households; 3. Generate at least half of revenues from sales of personal information. | January 1, 2020 | | <p>https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=3.&part=4.&lawCode=CIV&title=1.81.5</p> <p>Businesses can only sell the personal information of a child that they know to be under the age of 16 if they get affirmative authorization (“opt-in”) for the sale of the child’s personal information. For children under the age of 13, that opt-in must come from the child’s parent or guardian. For children who are at least 13 years old but under the age of 16, the opt-in can come from the child.</p> |
| California CPRA | <p>A for-profit “business” that does business in CA, meeting one of three thresholds:</p> <ol style="list-style-type: none"> 1. Annual revenues over \$25,000,000; 2. Collect personal information of over 100,000 consumers or households; | January 1, 2023 | | <p>https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=3.&part=4.&lawCode=CIV&title=1.81.5</p> <p>Under the CPRA (Section 1798.120(c)), “a business shall not sell or share the personal information of consumers if the business has actual knowledge the consumer is less than 16, unless the consumer, in the case of consumers at least 13 and less than 16, or the consumer’s parent or guardian, in the case of consumers who are less than 13, has affirmatively authorized the sale or sharing of the consumer’s personal information. A business that willfully disregards the consumer’s age shall be deemed to have had actual knowledge of the consumer’s age.”</p> |

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|--|--|----------------|------------------------|--|
| | 3. Generate at least half of revenues from selling or sharing of California personal information. | | | |
| California Age Appropriate Design Code | <p>Same as CPRA.</p> <p>Applies to online product or service that is “likely to be accessed” by children. Under the ADCA, an online product or service will be considered “likely to be accessed” by children when it meets any of the following criteria:</p> <ul style="list-style-type: none"> - It is directed to children as defined by COPPA. - It is routinely accessed by a significant number of children (based on reliable audience composition evidence). - It is similar to or the same as an online product or service already determined to be routinely accessed by | July 1, 2024 | Minors under age of 18 | <p>Will Require Businesses to do the following:</p> <ol style="list-style-type: none"> 1. Consider the “best interests” of children when designing, developing and providing an online product or service (note that the privacy, safety and well-being of children must be prioritized over commercial interests) 2. Conduct detailed Data Protection Impact Assessments (DPIAs) for new or existing online products and services 3. Configure default settings provided to a child to a “high level of privacy” 4. Provide an obvious signal to the child when the child’s activity or location is being monitored 5. Provide privacy information, terms of service, policies and community standards in a concise, prominent and clear manner (using language suited to the age <p>of children likely to access their services), along with prominent, accessible and responsive tools to help children, parents and guardians exercise their privacy rights and report concerns</p> <p>Prohibits businesses from doing the following:</p> <ol style="list-style-type: none"> 1. Using a child’s personal information in a way that is materially detrimental to the health or well-being of a child; |

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| | <p>a significant number of children.</p> <ul style="list-style-type: none"> - It has advertisements marketed to children. - It has design elements that are known to be of interest to children, including but not limited to games, cartoons, music and celebrities who appeal to children. - It has an audience base made up of a significant number of children (based on internal company research). | | | <ol style="list-style-type: none"> 2. Profiling a child by default (subject to limited exceptions) 3. Collecting, selling, sharing or retaining any personal information that is not necessary to provide the online product or service with which a child is engaged; 4. Using personal information for any reason other than a reason for which that personal information was collected 5. Collecting, selling or sharing precise geolocation information by default unless the collection of such information is strictly necessary for the business to provide the online product or service |
| Colorado Privacy Act | <p>Controller that conducts business in Colorado or produces or delivers commercial products or services that are intentionally targeted to residents of Colorado and:</p> <ol style="list-style-type: none"> 1. Controls or processes the personal data of 100,000 consumers or more during a calendar year; <p>or</p> | July 1, 2023 | “Child” means an individual under 13 years of age | <p>https://leg.colorado.gov/sites/default/files/2021a_190_signed.pdf</p> <p>“Sensitive Data” includes “Personal Data from a known Child.”</p> <p>“Personal Data” means (a) information that is linked or reasonably linkable to an identified or identifiable individual; and (b) Does not include de-identified data or publicly available information.”</p> <p>A Controller shall not process a Consumer’s Sensitive Data without first obtaining the consumer’s consent, or in the case of the processing of personal data concerning a known child, without first obtaining consent from a child’s parent or lawful guardian.”</p> |

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| | <p>2. Derives revenue or receives a discount on the price of goods or services from the sale of personal data and processes or controls the personal data of 25,000 consumers or more.</p> | | | <p>Provides the following rights: right to opt out; right of access; right to correction; right to deletion; right to data portability.</p> <p>Duties of controller: duty of transparency; duty of purpose specification; duty of data minimization; duty to avoid secondary use; duty of care; duty to avoid unlawful discrimination.</p> <p>This law does not apply to Personal Information already covered by COPPA.</p> <p>Allows exception for providing product/service to child on behalf of parent/guardian.</p> |
| Connecticut Data Privacy Act | <p>Persons that conduct business in Connecticut or produce products or services that are targeted to Connecticut residents and that:</p> <p>1. Control or process personal data of at least 100,000 consumers per year (not including a payment transaction); or Control or process personal data of at least 25,000 consumers and derive more than a quarter of gross revenues from the sale of personal data</p> | July 1, 2023 | “Child” has the same meaning as provided in COPPA. | <p>https://www.cga.ct.gov/2022/ACT/PA/PDF/2022PA-00015-R00SB-00006-PA.PDF</p> <p>“Sensitive data” means personal data that includes “personal data collected from a known child.”</p> <p>“Personal data” means any information that is linked or reasonably linkable to an identified or identifiable individual.</p> <p>A parent or legal guardian may exercise the rights on the child’s behalf.</p> <p>May not Process sensitive data concerning a known child, without processing such data in accordance with COPPA</p> <p>Provides the following rights: right to access; right to correction; right deletion; right to data portability; right to opt-out.</p> <p>Duties of controller: duty to limit collection; duty to purpose specification; duty to avoid secondary use; duty of care; duty to provide method to revoke consent; duty of transparency</p> |

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| Indiana Senate Bill 5 | <p>This article applies to a person that conducts business in Indiana or produces products or services that are targeted to residents of Indiana and that during a calendar year:</p> <p>(1) controls or processes personal data of at least one hundred thousand (100,000) consumers; or</p> <p>(2) controls or processes personal data of at least twenty-five thousand (25,000) consumers and derives more than fifty percent(50%) of gross revenue from the sale of personal data.</p> | January 1, 2026 | "Child" means any individual who is less than thirteen (13) years of age. | <p>https://legiscan.com/IN/text/SB0005/id/2628665</p> <p>"Sensitive data" means a category of personal data that includes . . . personal data collected from a known child . . . “</p> <p>"Personal data" means information that is linked or reasonably linkable to an identified or identifiable individual.</p> <p>A controller shall not process . . .sensitive data concerning a known child, without processing such data in accordance with the COPPA.</p> <p>Verifiable parental consent under COPPA is compliant with law.</p> <p>“A known child's parent or legal guardian may invoke on behalf of the child one (1) or more rights . . . in respect to the processing of personal data belonging to the known child by submitting to a controller a request specifying the rights the consumer wishes to invoke on behalf of the child”</p> <p>Provides the following rights: right to access; right to confirm processing; right to correction; right to deletion; right to portability; right to opt-out.</p> <p>Duties of controller: Duty of data minimization; duty of purpose specified; duty of transparency; duty to avoid secondary use; duty of care.</p> <p>Allows exception for providing product/service to child on behalf of parent/guardian</p> |
| Iowa Consumer Data Protection Act | | January 1, 2025 | Child means a natural person under the age of 13. | <p>https://www.legis.iowa.gov/legislation/BillBook?ga=90&ba=SF%20262</p> <p>Personal data - means any information that is linked or reasonably linkable to an identified or identifiable natural person.</p> <p>Sensitive data includes “personal data collected from a known child.”</p> |

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| | | | | <p>A known child's parent or legal guardian may invoke such consumer rights on behalf of the known child regarding processing personal data belonging to the child.</p> <p>A controller must process sensitive data concerning a known child in accordance with the COPPA.</p> <p>Provides the following rights: right to confirm processing; right to access; right to deletion; right to portability; right to opt-out.</p> <p>Duties of controller: duty of care; duty of transparency</p> <p>Allows exception for providing product/service to child on behalf of parent/guardian</p> <p>Exempts Personal data used in accordance with COPPA, its rules, regulations, and exceptions thereto.</p> |
| Utah Consumer Privacy Act | <p>Controller or processor that conducts business in Utah or produces a product or services that is targeted to consumers who are residents of Utah and:</p> <ol style="list-style-type: none"> 1. Annual revenues over \$25,000,000; 2. Controls or processes the personal data of 100,000 consumers or more during a calendar year; or | December 31, 2023 | “Child” means an individual younger than 13 years old. | <p>https://le.utah.gov/~2022/bills/static/SB0227.html</p> <p>“Personal data” means information that is linked or reasonably linkable to an individual.</p> <p>A Controller cannot process sensitive data collected from a consumer without first presenting the consumer with clear notice and an opportunity to opt out of the processing or in the case of processing of personal data concerning a known child, processing the data in accordance with COPPA</p> <p>A child’s parent or legal guardian may exercise a child’s consumer rights.</p> <p>Verifiable parental consent under COPPA is compliant with law.</p> |

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| | 3. Control or process personal data of at least 25,000 consumers and derive more than half of gross revenues from the sale of personal data. | | | <p>Provides the following rights: right to confirmation of processing; right to access; right to deletion; right to data portability; right to opt-out.</p> <p>Duties of controller: duty of transparency; duty of care.</p> <p>Allows exception for providing product/service to child on behalf of parent/guardian</p> |
| <p>Utah Social Media SB 152</p> <p>Social Media Regulation Amendments</p> | <p>"Social media company" means a person or entity that:</p> <p>(a) provides a social media platform that has at least 5,000,000 account holders worldwide; and</p> <p>(b) is an interactive computer service.</p> <p>"Social media platform" means an online forum that a social media company makes available for an account holder to:</p> <p>(i) create a profile;</p> <p>(ii) upload posts;</p> <p>(iii) view the posts of other account holders; and</p> | March 1, 2024 | Minor or under 18 | <p>https://le.utah.gov/~2023/bills/static/SB0152.html</p> <p>Cannot be an account holder without parent or guardian consent</p> <p>Must verify the age of existing and new social media account holder and obtain consent from parent or guardian if a minor</p> <p>Grant parents means (such as through a password) to access the account to see all child posts and all messages sent/received to account</p> <p>No access to account from 10:30 PM – 6:30 AM. Parents can modify, change, or eliminate. Parents can limit number of hours on social media account.</p> <p>Limitations on Collection of Information Include:</p> <ul style="list-style-type: none"> - Prohibit direct messaging between the account and any other user that is not linked to the account through friending; - May not show the account in search results for any user that is not linked to the account through friending; - Prohibit the display of any advertising in the account; - Shall not collect or use any personal information from the posts, content, messages, text, or usage activities of the account other than information that is necessary to comply with, and to verify compliance with, state or |

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| | (iv) interact with other account holders or users. | | | <p>federal law, which information includes a parent or guardian's name, a birth date, and any other information required to be submitted under this section; and</p> <ul style="list-style-type: none"> - Shall prohibit the use of targeted or suggested groups, services, products, posts, accounts, or users in the account. - Provides for Private Right of Action for each harm including emotional damage. |
| Utah HB 311 Social Media Regulation Amendment | Same definitions as above | March 1, 2024 | Minor or under 18 | <p>https://le.utah.gov/~2023/bills/static/HB0311.html</p> <p>A social media company shall not use a practice, design, or feature on the company's social media platform that the social media company knows, or which by the exercise of reasonable care should know, causes a Utah minor account holder to have an addiction to the social media platform</p> <p>Can avoid fines if have QUARTERLY audits.</p> <p>Not responsible for third party content posted or content of another minor.</p> <p>Private right of action for addiction, financial, physical, or emotional harm to minor.</p> |
| Virginia Virginia Consumer Data Protection Act | | January 1, 2023 | “Child” means any natural person younger than 13 years of age | <p>https://law.lis.virginia.gov/vacodefull/title59.1/chapter53/</p> <p>“Personal data” means information that is linked or reasonably linkable to an individual.</p> <p>Sensitive data means personal data collected from a known child.</p> <p>A child’s parent or legal guardian may invoke such consumer rights on behalf of the child regarding processing personal data belonging to the known child.</p> |

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| | | | | <p>May not process sensitive data concerning a child unless “in accordance with” COPPA</p> <p>Verifiable Parental Consent requirements of COPPA are compliant.</p> <p>Provides the following rights: rights to confirm processing; right to access; right to correction; right to deletion; right to portability; right to opt-out</p> <p>Duties of controller: Duty to data minimization; duty of purpose specification; duty to avoid secondary use; duty to avoid unlawful discrimination; duty of transparency</p> |