



June 2022

Are companies required to allow individuals to appeal denied data subject requests?

	California 2022 CCPA	California 2023 CPRA	Colorado 2023 CPA	Connecticut 2023 CTDPA	Utah 2023 UCA	Virginia 2023 VCDPA
<u>Appeals process.</u> Does the statute require that an appeals process be created for consumers if their data subject request is denied?	x	x	✓ ¹	✓ ²	x	✓ ³
<u>Privacy notice.</u> Does the process for submitting an appeal need to be referenced within the organization's privacy notice?	x	x	✓ ⁴	✓ ⁵	x	✓ ⁶

¹ C.R.S. § 6-1-1306(3).
² Connecticut Substitute Bill No. 6, § 4(d).
³ Va. Code § 59.1-573(c).
⁴ C.R.S. § 6-1-1308(1)(a)(III).
⁵ Connecticut Substitute Bill No. 6, § 6(c)(3).
⁶ Va. Code § 59.1-574(C)(3).

	California 2022 CCPA	California 2023 CPRA	Colorado 2023 CPA	Connecticut 2023 CTDPA	Utah 2023 UCPA	Virginia 2023 VCDPA
<u>Adjudicator of appeal.</u> Does the statute specify who should determine an appeal?	x	x	x/√ (refers to an “internal” process, but does not specify who within the organization)	x	x	x
<u>Independence.</u> Does the statute specify whether the adjudicator of the appeal needs to be independent of the individual that decided the initial request?	x	x	x	x	x	x
<u>Time period within which to file appeal.</u> Does the statute state how long the consumer must be given to file an appeal?	x	x	√ ⁷ (Reasonable time period)	√ ⁸ (Reasonable time period)	x	√ ⁹ (Reasonable time period)
<u>Similarity to DSR request.</u> Must the appeals process be similar to the process of submitting the initial request?	x	x	√ ¹⁰ (as easy to use)	√ ¹¹	x	√ ¹²
<u>Time period for responding to appeal.</u> Does the statute specify a time period in which the controller must respond to an appeal?	x	x	√ ¹³ (within 45 days)	√ ¹⁴ (within 60 days)	x	√ ¹⁵ (within 60 days)
<u>Extension to time period for responding to appeal.</u> Does the statute permit an extension of the time within which the controller must respond to an appeal?	x	x	√ ¹⁶ (60 additional days)	x	x	x

7 C.R.S. § 6-1-1306(3)(a).
8 Connecticut Substitute Bill No. 6, § 4(d).
9 Va. Code § 59.1-573(c).
10 C.R.S. § 6-1-1306(3)(a).
11 Connecticut Substitute Bill No. 6, § 4(d).
12 Va. Code § 59.1-573(c).
13 C.R.S. § 6-1-1306(3)(b).
14 Connecticut Substitute Bill No. 6, § 4(d).
15 Va. Code § 59.1-573(c).
16 C.R.S. § 6-1-1306(3)(b).

	California 2022 CCPA	California 2023 CPRA	Colorado 2023 CPA	Connecticut 2023 CTDPA	Utah 2023 UCPA	Virginia 2023 VCDPA
<u>Written decision.</u> Does the response to the appeal need to be in writing?	✘	✘	✓ ¹⁷	✓ ¹⁸	✘	✓ ¹⁹
<u>Explanation as to decision.</u> Does the response need to provide an explanation of the reasons for the decision?	✘	✘	✓ ²⁰	✓ ²¹	✘	✓ ²²
<u>Regulator referral info.</u> Does a denied appeal need to identify how the consumer can contact a regulatory to submit a complaint?	✘	✘	✓ ²³	✓ ²⁴	✘	✓ ²⁵

Key:

✓	State statute requires a system for appeals.
✘	State statute does not require a system for appeals.

Authors

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¹⁷ C.R.S. § 6-1-1306(3)(b).
¹⁸ Connecticut Substitute Bill No. 6, § 4(d).
¹⁹ Va. Code § 59.1-573(c).
²⁰ C.R.S. § 6-1-1306(3)(b).
²¹ Connecticut Substitute Bill No. 6, § 4(d).
²² Va. Code § 59.1-573(c).
²³ C.R.S. § 6-1-1306(3)(c).
²⁴ Connecticut Substitute Bill No. 6, § 4(d).
²⁵ Va. Code § 59.1-573(c).

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