



June 2022

## Update for Connecticut and Utah: What Is Considered Sensitive Personal Information?

Data Field	Europe GDPR	Breach Sensitive California CCPA 2022 De Facto Sensitive as Given Enhanced Litigation Rights <sup>1</sup>	Opt-out Sensitive California CPRA 2023 Defined as Sensitive Personal Information <sup>2</sup>	Consent Sensitive Colorado CPA 2023	Sensitive Connecticut CTDPA 2023 <sup>3</sup>	Opt-out Sensitive Utah UCPA 2023 <sup>4</sup>	Consent Sensitive Virginia VCDPA <sup>5</sup>
Biometric data	✓ (only if used to uniquely identify a data subject)	✓ (only in combination with name)	✓ (only if used to uniquely identify a data subject)	✓ (only if used to uniquely identify a data subject)	✓ (only if used to uniquely identify a data subject)	✓ (only if used to uniquely identify a data subject)	✓ (only if used to uniquely identify a data subject)
Child-collected data	✗	✗	✗	✓	✓	✗	✓
Citizenship	✗	✗	✗	✓	✓	✓	✓
Contents of consumer's email	✗	✗	✓	✗	✗	✗	✗
Contents of consumer's mail	✗	✗	✓	✗	✗	✗	✗

<sup>1</sup> Cal. Civ. Code 1798.150(a)(1) (West 2021) (incorporating by reference data fields referred to in Cal. Civ. Code 1798.81.5(d)(1)(A)).

<sup>2</sup> Cal. Civ. Code 1798.140(ae)(1), (2) (West 2021).

<sup>3</sup> Connecticut Substitute Bill No. 6, § 1(27).

<sup>4</sup> Utah Code 13-61-101(32)(a).

<sup>5</sup> Va. Code 59.1-571.

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Contents of consumer's SMS texts	x	x	✓	x	x	x	x
Credit card number (with required security code or password)	x	✓ (only in combination with name)	✓	x	x	x	x
Debit card number (with required security code or password)	x	✓ (only in combination with name)	✓	x	x	x	x
Driver's License Number	x	✓ (only in combination with name)	✓	x	x	x	x
Ethnic origin	✓	x	✓	✓	✓	✓	✓
Financial account number (which permits access to the account)	x	✓ (only in combination with name)	✓	x	x	x	x
Genetic data	✓ (only if used to uniquely identify a data subject)	x	✓	✓ (only if used to uniquely identify a data subject)	✓ (only if used to uniquely identify a data subject)	✓ (only if used to uniquely identify a data subject)	✓ (only if used to uniquely identify a data subject)
Health insurance information	x	✓ (only in combination with name)	x	x	x	x	x
Immigration Status	x	x	x	x	✓	✓	✓
Medical or health information	✓	✓ (only in combination with name)	✓ (concerning a consumer's health)	✓ (mental or physical health condition or diagnosis)	✓ (mental or physical health condition or diagnosis)	✓ (medical history, mental or physical health condition, or medical treatment or diagnosis)	✓ (mental or physical diagnosis)
Military identification number	x	✓ (only in combination with name)	x	x	x	x	x
Other unique identification number issued on a government document used to verify identity	x	✓ (only in combination with name)	x	x	x	x	x
Passport number	x	✓ (only in combination with name)	✓	x	x	x	x
Philosophical beliefs	✓	x	✓	x	x	x	x
Political opinion	✓	x	x	x	x	x	x
Precise geolocation	x	x	✓	x	✓	✓	✓

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Racial origin	✓	✗	✓	✓	✓	✓	✓
Religious beliefs	✓	✗	✓	✓	✓	✓	✓
Sex life	✓	✗	✓	✓	✓	✗	✗
Sexual orientation	✓	✗	✓	✓	✓	✓	✓
Social Security Number	✗	✓ (only in combination with name)	✓	✗	✗	✗	✗
Tax identification number	✗	✓ (only in combination with name)	✗	✗	✗	✗	✗
Trade union membership	✓	✗	✓	✗	✗	✗	✗
Username and password that would permit access to an online account.	✗	✓	✓ <sup>6</sup>	✗	✗	✗	✗

**Key:**

✓	Data type <b>is</b> included in the statute’s definition of “sensitive personal information.”
✗	Data type <b>is not</b> addressed by the statute’s definition of “sensitive personal information.”

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<sup>6</sup> The CPRA refers to a “consumer’s account log-in” in combination with any required security or access code, password, or credentials allowing access to an account. CAL. CIV. CODE § 1798.140(ae)(1)(B) (West 2021).

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