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How Is Geolocation Information Defined?

Several modern state data privacy statutes refer to precise geolocation information as a “sensitive” category of personal information. What constitutes precise geolocation information differs slightly between and among states. The following table provides a side-by-side comparison of the how the states have defined the term.

Elements of Precise Geolocation Data	California CCPA 2022 ¹	California CPRA 2023 ²	Colorado CPA 2023	Connecticut CTDPA 2023 ³	Utah UCPA 2023 ⁴	Virginia VCDPA ⁵
Definition of precise geolocation provided	x ⁶	✓ ⁷	x	✓ ⁸	✓ ⁹	✓ ¹⁰

¹ 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).

² Cal. Civ. Code 1798.140(ae)(1), (2) (West 2021).

³ Connecticut Substitute Bill No. 6, § 1(27).

⁴ Utah Code 13-61-101(32)(a).

⁵ Va. Code 59.1-571.

⁶ While the CCPA referred to geolocation data as an enumerated category of personal information, the term was not defined.

⁷ Cal. Civ. Code §1798.140(w) (West 2021).

⁸ Conn. Substitute. Bill No. 6, § 1(19).

⁹ Utah Code § 13-61-101(33)(a), (b) (2022).

¹⁰ Va. Code 59.1-571.

Elements of Precise Geolocation Data	California CCPA 2022¹	California CPRA 2023²	Colorado CPA 2023	Connecticut CTDPA 2023³	Utah UCPA 2023⁴	Virginia VCDPA⁵
Information must be derived from a device or other technology (i.e., consumer manually submitted location information excluded)	N/A	✓ ¹¹	N/A	✓ ¹²	✓ ¹³	✓ ¹⁴
Degree of accuracy and precision	N/A	1,850-foot radius or less ¹⁵	N/A	1,750 foot radius or less ¹⁶	1,750 foot radius or less ¹⁷	1,750 foot radius or less ¹⁸
Exception for “content of communications” (i.e., such data falls outside scope of definition)	N/A	✗	N/A	✓ ¹⁹	✓ ²⁰	✓ ²¹
Exception for “advanced utility metering” (i.e., such data falls outside scope of definition)	N/A	✗	N/A	✓ ²²	✓ ²³	✓ ²⁴
Information must be used or intended to be used to locate a consumer.	N/A	✓ ²⁵	N/A	✗ ²⁶	✗ ²⁷	✗ ²⁸

¹¹ Cal. Civ. Code §1798.140(w) (West 2021).

¹² Conn. Substitute. Bill No. 6, § 1(19).

¹³ Utah Code § 13-61-101(33)(a), (b) (2022).

¹⁴ Va. Code 59.1-571.

¹⁵ Cal. Civ. Code §1798.140(w) (West 2021).

¹⁶ Conn. Substitute. Bill No. 6, § 1(19).

¹⁷ Utah Code § 13-61-101(33)(a), (b) (2022).

¹⁸ Va. Code 59.1-571.

¹⁹ Conn. Substitute. Bill No. 6, § 1(19).

²⁰ Utah Code § 13-61-101(33)(a), (b) (2022).

²¹ Va. Code 59.1-571.

²² Conn. Substitute. Bill No. 6, § 1(19).

²³ Utah Code § 13-61-101(33)(a), (b) (2022).

²⁴ Va. Code 59.1-571.

²⁵ Cal. Civ. Code §1798.140(w) (West 2021).

²⁶ There is no intentionality requirement within Connecticut. If the information “identifies the specific location” of a natural person, it constitutes precise geolocation data regardless of whether it is used or intended to be used to locate the person.

²⁷ There is no intentionality requirement within Utah. If the information “identifies the specific location” of a natural person, it constitutes precise geolocation data regardless of whether it is used or intended to be used to locate the person.

²⁸ Va. Code 59.1-571 (there is no intentionality requirement within Virginia. If the information “identifies the specific location” of a natural person, it constitutes precise geolocation data regardless of whether it is used or intended to be used to locate the person.

Key:

✓	Statute defines element of precise geolocation information.
*	Statute does not define element of precise geolocation information.

Author

This GT [Data Privacy Dish](#) blog post was prepared by:

- [David A. Zetoony](#) | +1 303.685.7425 | zetoonyd@gtlaw.com

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