

GT Blog | Data, Privacy & Cybersecurity



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Does a business have to provide a privacy notice directly to a consumer if it obtains the consumer’s data from a third party (i.e., purchases it)?

Privacy Notice or Notice at Collection Distribution Requirements	California 2022 CCPA	California 2023 CPRA	Colorado 2023 CPA	Conn. 2023 CTDPA	Utah 2023 UCPA	Virginia 2023 VCDPA
<u>Obligation to make accessible, but no clarification regarding form of distribution.</u> Privacy notice must be generally “accessible” to consumers, but statute does not discuss whether it must be specifically distributed to consumers or could be constructively provided (e.g., via website).	x	x	✓ ¹	✓ ²	✓ ³	✓ ⁴
<u>Online posting.</u> Privacy notice <u>must</u> be posted on the company’s website (assuming that the company operates a website).	✓ ⁵	✓ ⁶	x / ✓ ⁷	x	x	x
<u>Distributed when information is directly collected.</u> Statute states that the privacy notice must specifically be made conspicuously available to consumers from whom the company collects information directly.	✓ ⁸	✓ ⁹	x	x	x	x
<u>Distributed when information is indirectly collected.</u> Privacy notice specifically must be provided to consumers if the company collects information indirectly (e.g., from a third party) about the consumer.	x ¹⁰	x ¹¹	x	x	x	x

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¹ C.R.S. § 6-1-1308(1)(a) (2022).

² Connecticut Substitute Bill No. 6, § 6(c) (2022).

³ Utah Code Ann. § 13-61-302(1)(a) (2022).

⁴ Va. Code § 59.1-574(C) (2022).

⁵ CAL. CODE REGS. tit. 11, § 999.308(b) (2021).

⁶ CAL. CODE REGS. tit. 11, § 999.308(b) (2021).

⁷ Although the Colorado Privacy Act does not mandate that a privacy notice be posted online, the regulations proposed by the Colorado Attorney General would require that the privacy notice be posted “online through a conspicuous link” if a controller maintains as website. Colorado Proposed Regulation §6.02(E)(1).

⁸ Cal. Code Regs. Tit. 11, § 999.305(a)(6) (2021) (stating that if a business does not provide a notice at collection to a consumer, the business may not collect personal information “from” the consumer).

⁹ Cal. Code Regs. Tit. 11, § 999.305(a)(6) (2021) (stating that if a business does not provide a notice at collection to a consumer, the business may not collect personal information “from” the consumer).

¹⁰ Cal. Code Regs. Tit. 11, § 999.305(d) (2021) (stating that a business that does not collect information “directly” from a consumer does not need to provide a notice at collection if the business does not sell the consumer’s information; if information is sold, the business is required to post its privacy notice through the State of California’s data broker registry).

¹¹ Cal. Code Regs. Tit. 11, § 999.305(d) (2021) (stating that a business that does not collect information “directly” from a consumer does not need to provide a notice at collection if the business does not sell the consumer’s information; if information is sold, the business is required to post its privacy notice through the State of California’s data broker registry).