



Proposed law requires a controller to establish a process for appeal and to respond to appeals within 60 days, and if denied, the controller must provide a mechanism for the consumer to submit a complaint to the attorney general.

Proposed law provides that any contractual provision waiving or limiting a consumer's right is against public policy and is void and unenforceable.

Proposed law requires a controller to establish at least two secure and reliable methods for consumers to submit requests to exercise their rights, taking into account customary consumer interactions, secure communication, and authentication needs.

Proposed law prohibits a controller from requiring a consumer to create a new account to exercise rights. Requires a website mechanism for submitting requests if the controller maintains a website. Requires exclusively online controller with a direct consumer relationship to provide only an email address for submission of requests.

Proposed law allows a consumer to designate an authorized agent, including through technology-based opt-out signals such as a browser setting or device-level signals, to act on the consumer's behalf for opt-out requests.

Proposed law provides that technology used by a consumer to designate an authorized agent or communicate an opt-out request shall not unfairly disadvantage a controller.

Proposed law requires that such technology not rely on a default setting and instead require an affirmative, freely give, and unambiguous choice by the consumer to opt-out of the processing of personal data. Further requires that the technology be consumer friendly and easy to use.

Proposed law requires a controller to limit collection of personal data to what is adequate, relevant, and reasonably necessary for disclosed purposes and to maintain reasonable administrative, technical, and physical safeguards appropriate to the volume and nature of the data.

Proposed law prohibits a controller from processing personal data for purposes incompatible with disclosed purposes without consumer consent.

Proposed law clarifies that a controller is not required to provide goods or services that require personal data it does not collect or maintain and may offer different prices, rates, or benefits in connection with a consumer's opt-out or participation in a loyalty or rewards program.

Proposed law requires a controller to provide consumers with a reasonably accessible and clear privacy notice. Provides that the notice must disclose the categories of personal data processed, including sensitive data, the purpose for processing, the process for exercising consumer rights and appealing decisions, the categories of personal data, the categories of third parties receiving data, and the methods available for submitting consumer rights requests.

Proposed law requires that a controller engaging in the sale of sensitive personal data and the sale

of biometric personal data post a conspicuous notice.

Proposed law requires that if a controller sells personal data to third parties or processes personal data for targeted advertising, the controller must clearly and conspicuously disclose such processing and provide notice of the manner in which a consumer may exercise the right to opt-out.

Proposed law requires a processor to adhere to the instructions of a controller and to assist the controller in complying with duties under proposed law. Further requires a processor to assist the controller in responding to consumer rights requests using appropriate technical and organizational measures, taking into account the nature of processing and the information available to the processor.

Proposed law requires the processor to provide information necessary for the controller to conduct and document required data protection assessments.

Proposed law requires that processing performed by a processor on behalf of a controller be governed by a written contract with specific requirements. Further allows a processor to obtain an independent assessment using an accepted control standard or framework and to provide the report to the controller upon request.

Proposed law clarifies that proposed law does not relieve either a controller or processor of liability arising from its respective role under proposed law. Further provides that when a person is acting as a controller or processor is determined by a fact-based analysis of the specific processing context and that a processor remains a processor so long as it adheres to the controller's instructions.

Proposed law requires a controller to conduct and document a data protection assessment for specified processing activities. Further requires that the assessment weigh the benefits of the processing against potential risks to consumer rights, taking into account safeguards to mitigate risks.

Proposed law requires a controller to provide a data protection assessment that shall be confidential and exempt from public records disclosure to the attorney general upon request pursuant to a civil investigative demand.

Proposed law provides that proposed law shall be construed to prevent a controller or processor from preventing, detecting, protecting against, or responding to security incidents, identity theft, fraud, harassment, malicious or deceptive activity, or illegal activity, or from preserving system integrity or investigating, reporting, or prosecuting such conduct.

Proposed law requires controllers possessing deidentified data to take reasonable measures to prevent reidentification, publicly commit not to reidentify the data, and bind recipients by contract to comply with proposed law.

Proposed law provides that controllers and processors are not required to reidentify data or comply with certain consumer requests when the data cannot reasonably be linked to a specific consumer and is not sold or disclosed. Further requires reasonable oversight of contracts related to deidentified or pseudonymous data.

Proposed law prohibits the sale of sensitive personal data without prior consumer consent.

Proposed law authorizes the attorney general to enforce any violations of proposed law. Requires the attorney general to post on its website information regarding the responsibilities of controllers and processors and consumer rights.

Proposed law provides that a violation under proposed law constitutes an unfair and deceptive trade practice. Further, excludes a private rights of action, and requires that any monies received from enforcement by the attorney general be used for consumer protection and education efforts.

Proposed law requires the attorney general beginning January 1, 2027, and ending July 21, 2027, to provide written notice of an alleged violation at least 30 days prior to initiating an investigation. Further provides that the attorney general shall not initiate an investigation if the person cures the violation by providing written certification and supporting documentation of the cure, notifies affected consumers when applicable, and make necessary internal policy changes to prevent future violations.

Effective January 1, 2027.

(Adds R.S. 51:1776-1780)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Limit applicability of proposed law to persons that do business in the state and meet specified revenue or data-processing thresholds.
2. Add an exception allowing controllers and processors to take necessary actions to prevent and respond to fraud, security threats, and illegal activity and to protect system integrity.
3. Create an unfair trade practice for any violations of proposed law and provide for enforcement by the attorney general.
4. Establish a temporary cure period before enforcement of proposed law.
5. Remove provisions authorizing the attorney general to bring civil action for penalties.
6. Eliminate the private right of action for consumers.
7. Make effective January 1, 2027.
8. Make technical changes.