



## The Privacy Race – Nevada in the lead with new laws effective October 1

Nevada will beat California in the US race to implement privacy requirements on businesses. Effective **October 1, 2019**, companies must comply with Nevada's new law governing the sale of personal information. Generally, Nevada's new law prohibits the operator of a website or online service from selling certain consumer information if the consumer opts out.

### Key Items Companies Must Know If Subject to Nevada's Law:

1. Companies must establish a "designated address" where individuals can submit an opt-out request. This can be an email, toll-free number, or internet website.
2. Nevada defines "sale" as a situation where a company receives money in exchange for consumer information. The law does not cover situations where information is transferred or traded for some other valuable consideration.
3. Companies have 60 days to respond to opt-out requests with a possible 30-day extension.

### Details of Nevada's Bill:

- Only includes information collected through websites (not companies that collect offline, such as a brick-and-mortar store)
- Only information collected when a consumer is purchasing for "personal, family or household purposes" (not when collected for non-consumer purposes such as from employees or job applicants)
- SB 220 broadly defines "covered information" as any one or more of the following: (i) first and last name; (ii) home or other physical address; (iii) email address; (iv) telephone number; (v) social security number; (vi) identifier that allows a specific person to be contacted either physically or online; or (vii) any other information concerning a person collected and maintained by an operator in combination with an identifier in a form that makes the information personally identifiable.

### Enforcement:

Enforcement is limited to the attorney general and can include injunction or up to a \$5,000 fine per violation.

There are certain exceptions such as financial institutions subject to the Gramm-Leach-Bliley Act, some HIPAA-covered entities, and motor vehicle manufactures or other entities who service or repair motor vehicles.

## IF YOU DO BUSINESS IN NEVADA, REVIEW YOUR PRIVACY POLICY TO BE SURE YOU ARE IN COMPLIANCE WITH THE NEW REGULATIONS

Companies must have the following information, or notice, available to consumers:

- What information is collected and with what companies that information is shared
- How someone can change their collected information
- How consumers will be notified of change to this notice
- Disclose if any third-parties may collect information
- Effective date of the notice