Privacy Bingo

State Privacy Law Edition

Texas Data Privacy and Security Act (TDPSA)

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SCOPE	**CONSUMER RIGHTS**	**WILDCARD**	**OBLIGATIONS**	**ENFORCEMENT**
Includes processing threshold	Correction	Grants rulemaking authority	Impact assessments	AG has exclusive enforcement authority
Applies to B2B data	Portability	"Sensitive data" includes biometric data	Data minimization	Defined statutory penalties
Applies to employment data	Appeal		Non-discrimination	30 Day Cure Period
Entity-level GLBA exemption	Obtain list of third-party recipients	"Sale" includes money OR other valuable consideration	Security measures	Private right of action for unauthorized access
All non-profit organizations exempt	Deletion	Establishes new privacy protection agency	Recognize universal opt out signals	Enforcement actions published

Scope:
- Applies to organizations that:
  1. Conduct business in Texas or produce a product or service consumed by Texas residents;
  2. Process or engage in the sale of personal data; and
  3. Are not a small business as defined by the United States Small Business Administration (except to the extent that Section 541.107 applies to a person described by this subdivision)

Effective date: July 1, 2024

Consumer rights: Deletion; portability; opt out of profiling; opt in to processing of sensitive data; opt out of automated decision making; opt out of sales

Controller obligations:
- Impact assessments; data minimization; purpose limitation; reasonable data security measures; non-discrimination; privacy notice

Enforcement:
- No private right of action
- Right to cure within 30 days
- Up to $7,500 fine per violation