

CT SB 3 2022

Children's Data Privacy

James Maroney - 09/29/2023



Overview of The Bill

- Sections 7 through 13 of the Bill Deal With Children's Data Privacy
- This bill has no data threshold - unlike our comprehensive consumer data privacy bill
- Bill does not require age verification, instead uses the standard from California and CT comprehensive bills, "Actual Knowledge or Wilfully Disregards are Minors"
- Brings age of a minor to 18, from 16 in the comprehensive consumer privacy bill

Sections 7 and 8

- Section 7 gives parents the right to delete a social media account if the minor is under the age of 16.
- Sets out verification guidelines and a timeline. 15 days to unpublish and 45 days to delete the account if the request can be authenticated
- Section 8 establishes definitions for the remainder of the bill

Section 9

- Duty of care. Have to use reasonable care to avoid a heightened risk of harm to minors.
- Bans targeted advertising and sale of data up the age of 18, without opt-in consent
- Prohibits features designed to extend use
- Cannot collect precise geographic location without opt in consent or providing a signal that location data is being tracked
- Cannot offer a direct messaging apparatus without implementing safeguards to prevent an adult from sending unsolicited messages to a minor

Section 10

- Controllers must perform data protection impact assessments if you offer an online service to minors.
- If the controller identifies a heightened risk of harm to minors, they must put in place a plan to mitigate or eliminate the risk
- (5) "Heightened risk of harm to minors" means processing minors' personal data in a manner that presents any reasonably foreseeable risk of (A) any unfair or deceptive treatment of, or any unlawful disparate impact on, minors, (B) any financial, physical or reputational injury to minors, or (C) any physical or other intrusion upon the solitude or seclusion, or the private affairs or concerns, of minors if such intrusion would be offensive to a reasonable person;

Sections 11-13

- Section 11 defines relationship between a controller and processor. From 2022 SB 6
- Section 12 lays out the exemptions, entity level, data level, and use case
- Section 13 details enforcement (No PRA) and cure period. Bill goes into effect October 1, 2024.
- Cure period October 1, 2024 through December 31, 2025
- Permissive cure January 1, 2026 on
- Enforcement done solely by Attorney General

Questions?

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