

Husch Blackwell LLP
Comparison Chart of Statutory Requirements for CPRA, CPA and VCDPA

| Contractual Term | California (third party, service provider or contractor) | Colorado (processor) | Virginia (processor) |
|--|--|--|----------------------|
| Recipient cannot sell personal information | § 1798.140(j)(1)(A)(i) (contractor); § 1798.140(ag)(1)(A) (service provider) | - | - |
| Recipient cannot retain, use, or disclose personal information for any purpose other than performing services specified in contract, including retaining, using, or disclosing personal information for commercial purpose other than providing services specified in contract | § 1798.140(j)(1)(A)(ii) (contractor); § 1798.140(ag)(1)(B) (service provider) | - | - |
| Recipient cannot retain, use, or disclose information outside direct business relationship | § 1798.140(j)(1)(A)(iii) (contractor); § 1798.140(ag)(1)(C) (service provider) | - | - |
| Recipient cannot combine personal information received from business with personal information received from other sources unless consistent with regulations | § 1798.140(j)(1)(A)(iv) (contractor); § 1798.140(ag)(1)(D) (service provider) | - | - |
| Recipient must certify that it understands above restrictions and will comply with them | § 1798.140(j)(1)(B) (contractor) | - | - |
| Contract is for a “business purpose” | § 1798.140(j)(1) (contractor); § 1798.140(ag)(1) (service provider) | - | - |
| Processing instructions to which recipient is bound, including nature and purpose of processing | § 1798.100(d)(1) (contract specifies that personal information is sold or disclosed for limited and specified purpose) | § 6-1-1305(5)(a) | § 59.1-579B |
| Identifies type of personal data subject to processing | - | § 6-1-1305(5)(b) | § 59.1-579B |
| Identifies duration of processing | - | § 6-1-1305(5)(b) | § 59.1-579B |
| Identifies rights and obligations of both parties | - | - | § 59.1-579B |
| Recipient must comply with applicable obligations under law and provide same level of privacy protection as is required by law | § 1798.100(d)(2) | - | - |
| Persons processing personal data are subject to duty of confidentiality | - | § 6-1-1305(5)(c), (3)(a) | § 59.1-579B(1) |
| Controller and processor must implement appropriate technical and organizational measures to ensure level of security appropriate to risk and establish clear allocation of responsibilities between them to implement measures | - | § 6-1-1305(5)(c), (4) | - |
| Recipient must provide notice to business / controller of subcontractors | § 1798.140(j)(2) (contractor); § 1798.140(ag)(2) (service provider) | § 6-1-1305(5)(c), (3)(b) (must provide controller) | - |

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| | | with opportunity to object) | |
| Recipient must enter into data processing agreement with subcontractors | § 1798.140(j)(2) (contractor); § 1798.140(ag)(2) (service provider) | § 6-1-1305(5)(c), (3)(b) (subcontractor must be required to meet same obligations) | § 59.1-579B(5) |
| Recipient must delete or return data at conclusion of services | - | § 6-1-1305(5)(d)(I) | § 59.1-579B(2) |
| Recipient must make information available to business / controller to demonstrate compliance | § 1798.100(d)(3) (business has right to take reasonable and appropriate steps to ensure proper use of information) | § 6-1-1305(5)(d)(II)(a) | § 59.1-579B(3) |
| Recipient must notify business if recipient can no longer comply with its obligations | § 1798.100(d)(4) | - | - |
| Business has right to stop and remediate unauthorized use of personal information | § 1798.100(d)(5) | - | - |
| Recipient must allow for audits or inspections | § 1798.140(j)(1)(C) (contractor) (subject to agreement of contractor, business can monitor compliance through assessments, audits, and other means); § 1798.140(ag)(1)(D) (service provider) (subject to agreement of service provider, business “may” monitor compliance through assessments, audits, and other means) | § 6-1-1305(d)(II)(b) | § 59.1-579B(4) |