



2025 Privacy law preview: Be prepared

Thursday, 5 December

10:00-11:00 PST

13:00-14:00 EST

19:00-20:00 CEST



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HUSCH BLACKWELL



2025 Privacy Law Preview

Be Prepared!



Meet Your Speakers



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Poll #1

What's Your 2025 Privacy Resolution?

01

Keep up with new compliance requirements

02

Automate the processing of subject rights requests

03

Figure out where the PI/PII/Sensitive Data is throughout my organization

04

Get a handle on third-party risk management

05

Develop stronger relationships with Security and Risk teams

Poll #2

Are You Ready for 2025?



01

Without a Doubt

02

Most Likely

03

Reply Hazy, Try Again

04

Better Not Tell You Now

05

Outlook Not So Good

Privacy in 2025

Looking Ahead

Nine new privacy laws in effect in 2025 (well, eight and a half...); five in January

4

Privacy laws in
effect on 1/1/25

1

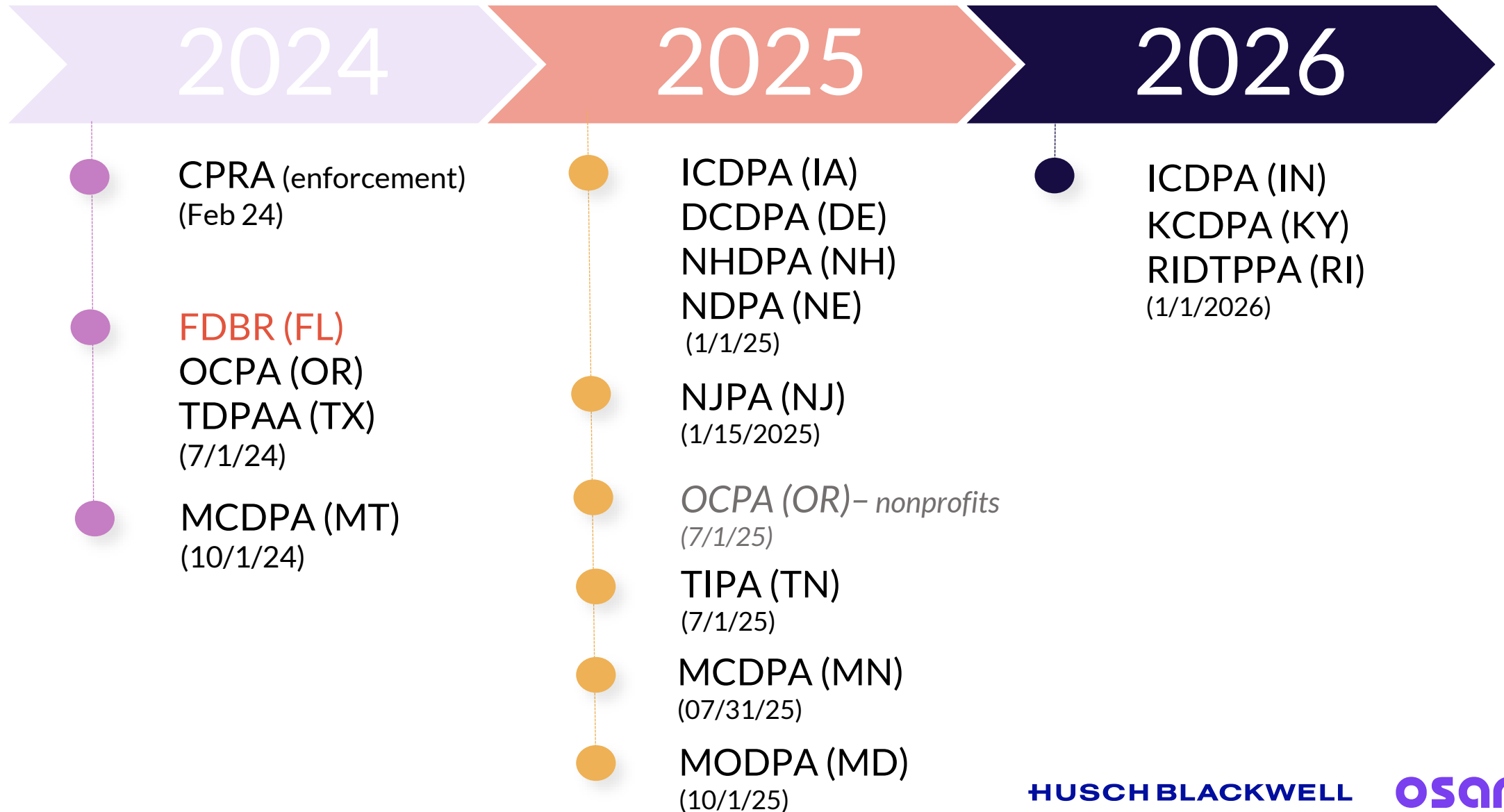
Additional law in
effect on 1/15/25

3.5

More laws in
effect in 2H 2025



The State of US Privacy Law: 2024-2026





2025 Privacy Laws

New and Noteworthy

- MODPA: Low thresholds for population; strict definitions; data collection and minimization requirements
- NDPA: Broad threshold requirements; broad exemptions
- Potentially hefty fines: DCDPA, NJPA, TIPA, MODPA

2025 State Privacy Laws: January

Feature	ICDPA (1/1)	DCDPA (1/1)	NHDPA (1/1)	NDPA (1/1)	NJPA (1/15)
Thresholds	<p>Controls or processes the personal data of:</p> <ul style="list-style-type: none"> 100,000 Iowa consumers, OR At least 25,000 consumers and derives >50% of gross revenue from the sale of that data 	<p>Controls or processes the personal data of:</p> <ul style="list-style-type: none"> 35,000 consumers, excluding personal data controlled or processed solely for the purpose of completing a payment transaction, OR 10,000 consumers and derived more than 20 percent of their gross revenue from the sale of personal data 	<p>Controls or processes the personal data of:</p> <ul style="list-style-type: none"> 35,000 unique consumers, excluding if the processing occurred solely to complete a payment transaction, OR 10,000 unique consumers and derived more than 25 percent of their gross revenue from the sale of personal data 	<p>Applies to a person who:</p> <ul style="list-style-type: none"> Conducts business in the state or produces a product or service consumed by residents of Nebraska Processes or engages in the sale of personal data, AND Is not a small business as determined under the federal Small Business Act 	<p>Control or process the personal data of:</p> <ul style="list-style-type: none"> 100,000 consumers, excluding personal data processed solely for the purpose of completing a payment transaction, OR 25,000 consumers and the controller drives revenue or receives a discount on the price of any goods or services from the sale of the data
Fines	\$7,500 per violation	Up to \$10,000 per violation	Up to \$7,500 per violation	\$7,500 per violation	Up to \$10,000 for initial violation; up to \$20,000 for subsequent violations
Cure Period	90 days, no sunset	60 days, until 1/1/2026	30 days, until 1/1/2026	30 days, no sunset	30 days, until 7/15/2026

2025 State Privacy Laws: January

Feature	ICDPA (1/1)	DCDPA (1/1)	NHDPA (1/1)	NDPA (1/1)	NJPA (1/15)
Data Protection Impact Assessments	No	<p>Required for targeted advertising, selling personal data, and for profiling if there's a risk of:</p> <ul style="list-style-type: none"> • Unfair or deceptive treatment to consumers • Financial, physical, or reputational injury • Intrusion upon the solitude or seclusion of an individual (if the intrusion would be "offensive to a reasonable person") 	<p>Required for any data processing activity that presents a "heightened risk of harm to the consumer" including: targeted advertising, sale of personal data, processing for the purposes of profiling, and processing sensitive data.</p>	<p>Required for targeted advertising, sale of personal data, profiling if it presents a risk of deceptive treatment or financial, physical, or reputational injury, , intrusion on the solitude of a consumer, sensitive data processing, other processing activities with risk of harm to consumers.</p>	<p>Required for targeted advertising , or profiling, if it presents a "reasonably foreseeable" risk of unfair/deceptive treatment, unlawful disparate impact on consumers, financial or physical injury, physical or other intrusion upon the solitude, seclusion or private affairs of consumers, or offensive to a reasonable person.</p> <p>The sale of personal data; processing of sensitive data</p>
Recognize Universal Opt-Out Mechanisms	No	Yes, as of January 1, 2026	Yes	Yes	Yes

2025 State Privacy Laws: January

Feature	ICDPA (1/1)	DCDPA (1/1)	NHDPA (1/1)	NDPA (1/1)	NJPA (1/15)
Sensitive Data	<ul style="list-style-type: none"> Racial, ethnic, national origin Religious beliefs Mental/physical health diagnosis, diagnosis by HCP Citizenship/immigration status Genetic or biometric data Personal data of a known child Precise geolocation 	<ul style="list-style-type: none"> Racial or ethnic origin Religious beliefs Mental/physical health condition and medical treatment, diagnosis by HCP Sex life, sexual orientation and status as transgender or nonbinary Citizenship and immigration status Genetic or biometric data Personal data of a known child Precise geolocation 	<ul style="list-style-type: none"> Racial or ethnic origin Religious beliefs Mental/physical health condition or diagnosis Sex life Sexual orientation Citizenship or immigration status Genetic or biometric data Personal data of a known child Precise geolocation 	<ul style="list-style-type: none"> Racial or ethnic origin Religious beliefs Mental/physical health diagnosis Sexual orientation Citizenship or immigration status Genetic or biometric data Personal data of a known child Precise geolocation 	<ul style="list-style-type: none"> Racial or ethnic origin Religious beliefs Mental/physical health condition and medical treatment, diagnosis by HCP Sex life, sexual orientation Status as a transgender or binary person Genetic or biometric data Personal data of a known child Precise geolocation data Financial information

2025 State Privacy Laws: Rest of Year

Feature	TIPA (7/1)	MCDPA (7/31)	MODPA (10/1)
Thresholds	<p>Have annual revenue of over \$25m and control or process personal information of:</p> <ul style="list-style-type: none"> • 175,000 consumers during a calendar year • 25,000 consumers and derive >50 % of gross revenue from the sale of personal information 	<p>Provide products or services targeted at Minnesotans and meet one of the following criteria:</p> <ul style="list-style-type: none"> • Control or process the personal data of 100,000 consumers or more • Derive >25% of gross revenue from the sale of personal data and process or control personal data of 25,000 consumers or more 	<p>Anyone who conducts business in the state or provides services or products targeted to residents of Maryland. Controlled or processed the personal data of:</p> <ul style="list-style-type: none"> • 35,000 consumers (except personal data used for completing a transaction). • 10,000 consumers and derived >20% of gross revenue from the sale of personal data
Fines	Up to \$7,500 per violation; amount can be tripled if violations are found to be willful	\$7,500 per violation	Up to \$10,000 per violation; \$25,000 for each repetition of the same violation
Cure Period	60 days, no sunset	30 days, until 1/31/2026	At least 60 days, sunsets 1/1/2027

2025 State Privacy Laws: Rest of Year

Feature	TIPA (7/1)	MCDPA (7/31)	MODPA (10/1)
Data Protection Impact Assessments	Required for targeted advertising, physical or other intrusion upon the solitude of consumers, or offensive to a reasonable person; that sale of personal data; processing of sensitive data.	Required for targeted advertising, sale of personal data, processing of sensitive data, profiling, processing of personal data that may pose a heightened risk of harm to consumers.	Required for targeted advertising, sale of data, profiling, processing of sensitive data, other processing activities with risk of harm to consumers; intrusion on the solitude of a consumer; for each algorithm used
Recognize Universal Opt-Out Mechanisms	Yes	Yes	Two options: 1. A clear, conspicuous link on the website that allows opt-out of the sale of personal data or targeted advertising 2. Universal opt-out preference signal (by 10/1/2025)
Sensitive Data	<ul style="list-style-type: none"> • Racial or ethnic origin • Religious beliefs • Mental/physical health condition, treatment, or diagnosis • Sex life or sexual orientation • Citizenship/immigration status • Genetic or biometric data • Personal data collected from a known child 	<ul style="list-style-type: none"> • Racial or ethnic origin • Religious beliefs • Mental/physical health diagnosis • Sexual orientation • Citizenship/immigration status • Genetic or biometric data • Personal data of a known child • Precise geolocation 	<ul style="list-style-type: none"> • Racial, ethnic, national origin • Religious beliefs • Consumer health data • Sex life/Sexual orientation • Citizenship/immigration status • Genetic or biometric data • Personal data of a known child • Precise geolocation

Consumer Rights: January

	ICDPA	DCDPA	NHDPA	NDPA	NJDPA
Know/Access	✓	✓	✓	✓	✓
Delete	✓	✓	✓	✓	✓
Correct	✗	✓	✓	✓	✓
Opt Out of Sale	✓	✓	✓	✓	✓
Opt Out of Targeted Advertising	✓	✓	✓	✓	✓
Opt Out of Profiling	✗	✓	✓	✓	✓
Portability/Transfer	✓	✓	✓	✓	✓

Consumer Rights: January

	ICDPA	DCDPA	NHDPA	NDPA	NJDPA
Obtain List of Third Parties that Received Data	✗	✓	✗	✗	✗
Treatment of Sensitive Data	Opt Out	Opt In	Opt In	Opt In	Opt In
Not Process Data in a Discriminatory Manner	✗	✗	✗	✗	✗
Appeal	✓	✓	✓	✓	✓
Response Times	Requests: 90 days (45-day ext.) Appeals: 60 days	Requests: 45 days (45-day ext.) Appeals: 60 days	Requests: 45 days (45-day ext.) Appeals: 60 days	Requests: 45 days (45-day ext.) Appeals: 60 days	Requests: 45 days (45-day ext.) Appeals: 45 days

Consumer Rights: Rest of Year

	TIPA	MCDPA	MODPA
Know/Access	✓	✓	✓
Delete	✓	✓	✓
Correct	✓	✓	✓
Opt Out of Sale	✓	✓	✓
Opt Out of Targeted Advertising	✓	✓	✓
Opt Out of Profiling	✓	✓	✓
Portability/Transfer	✓	✓	✓

Consumer Rights: Rest of Year

	TIPA	MCDPA	MODPA
Obtain List of Third Parties that Received Data	✗	✓	✓
Treatment of Sensitive Data	Opt In	Opt In	Strictly Necessary
Not Process Data in a Discriminatory Manner	✗	✓	✓
Appeal	✓	✓	✓
Response Times	Requests: 45 days (45-day ext.) Appeals: 60 days	Requests: 45 days (45-day ext.) Appeals: 45 days (60-day ext.)	Requests: 45 days (45-day ext.) Appeals: 60 days



CCPA Draft Regulations

Revisions to CCPA Regulations

Cybersecurity Audits

Risk Assessments

**Automated Decision Making
Technology**

Insurance Regulations

What's New

MODPA: Data Minimization

Personal Data

Collection must be *reasonably necessary*

Sensitive Data

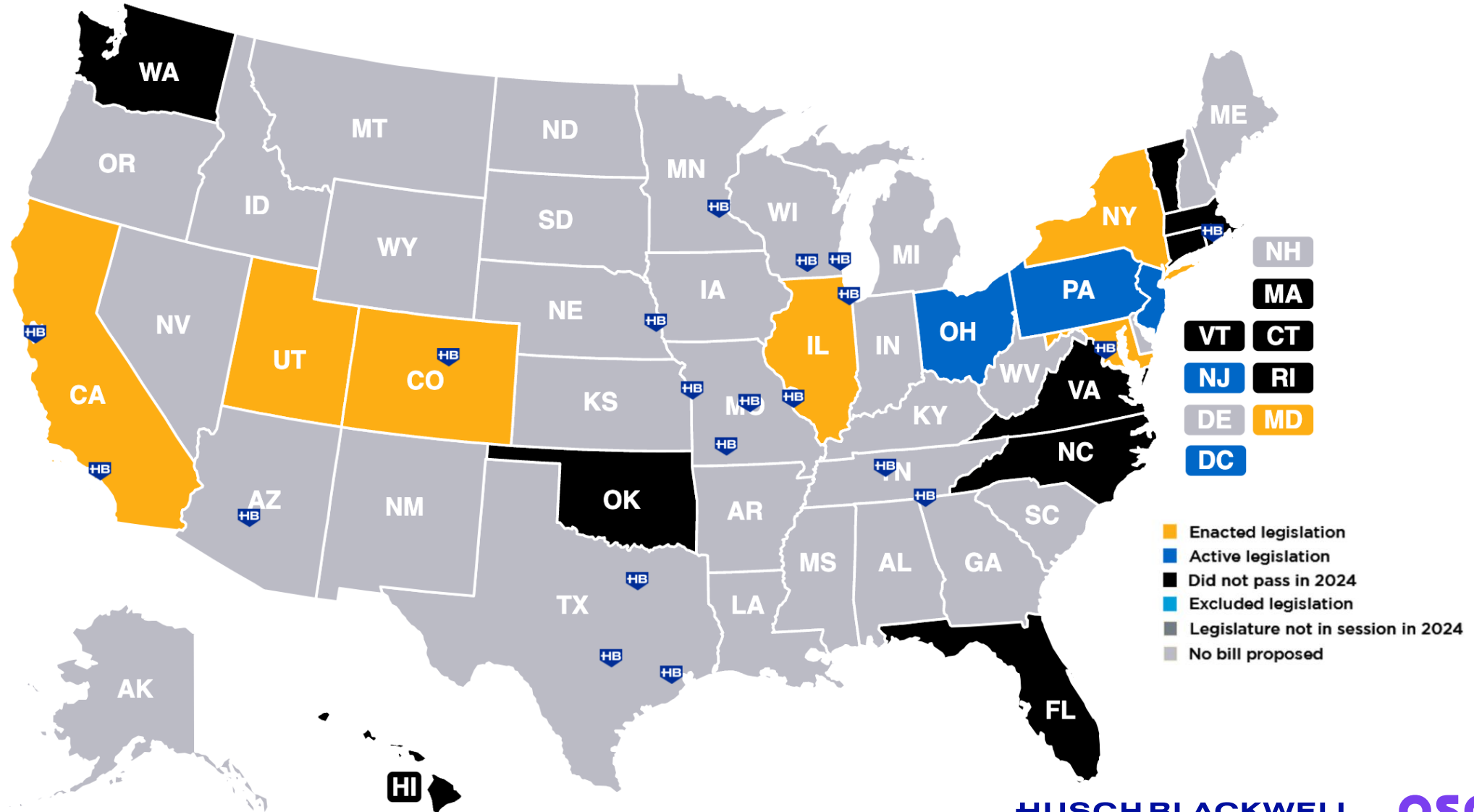
Collection, processing, and sharing must be *strictly necessary*

Other Prohibitions

- Selling Sensitive Data
- Minors' Data



U.S. AI Laws at-a-Glance





2024 in Review

Enforcement

Private Litigation

- State Wiretap Laws
- Video Privacy Protection Act

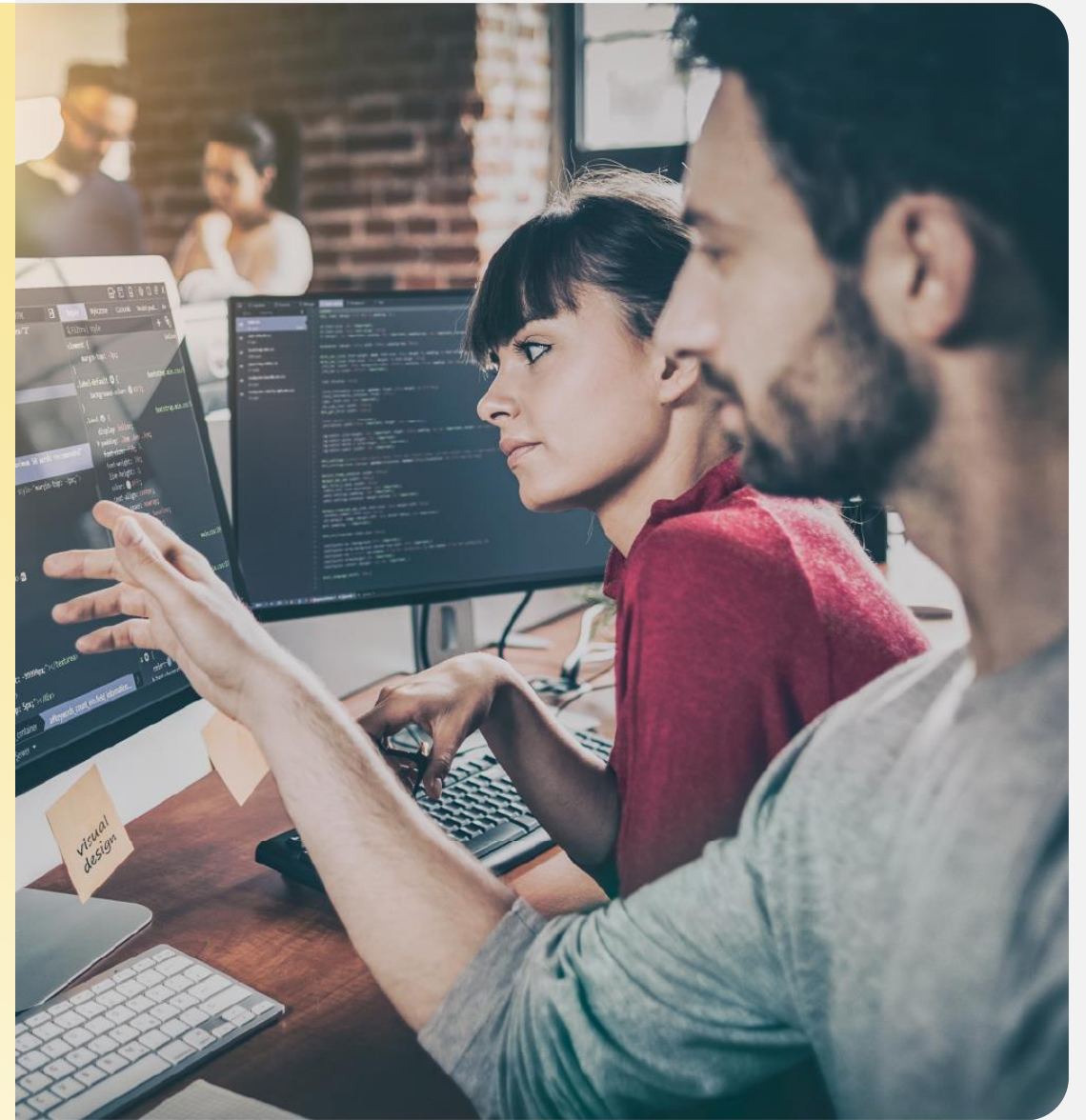
California Privacy Protection Agency

- Enforcement Advisories
- Investigative Sweep of Data Brokers

Texas Attorney General

- Data Privacy and Security Initiative

**What's the #1
thing you should
do now to
prepare for
2025
compliance?**



Poll #3

How Do You Feel Now?



Your post-webinar mood ring

01

Blue-Green

Content and Peaceful

02

Purple

Purposeful and Clear

03

Amber

Mixed Emotions

04

Gray

Lower-Level Stress

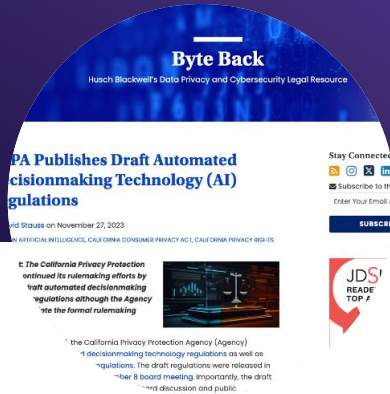
05

Black

I Need a Hug

Resources and Contact Information

Husch Blackwell



[ByteBack Blog](#)



[Data & Cybersecurity Practice Area](#)



[Shelby Dolen](#)

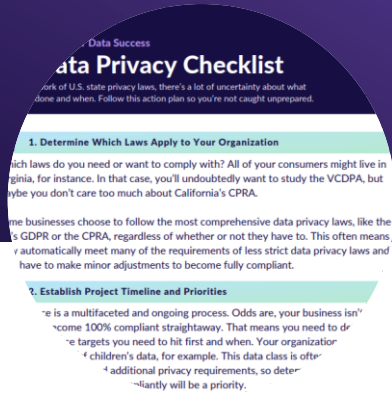


[TK Lively](#)



Resources and Contact Information

Osano



[U.S. Data Privacy Laws Checklist](#)



[Osano Privacy Program Maturity Model](#)



[Schedule a Demo!](#)



Q&A

Ask privacy and legal experts your most pressing compliance questions.



Thank You!

A collection of decorative geometric shapes in the bottom left corner, including a large pink-to-orange gradient arc, a white hexagon outline, and several smaller orange, purple, and pink circles and polygons.

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