

Data Privacy Day: New York and Washington State Legislatures on the Move With New Privacy Bills – CA Privacy Law Web Event

January 28, 2021

While Data Privacy Day brings renewed awareness one day each year to privacy and cybersecurity, privacy compliance must be integrated into your business processes 365 days a year. As the landscape continues to change, evidenced by recent bills in New York and Washington state, 2021 may prove to be the year when responsibility for protecting personal information and honoring consumer rights starts to go nationwide.

On this Data Privacy Day, in the wake of 2020's major data breaches and legislative movement, this alert highlights some changes to privacy law on the horizon as well as an upcoming web event hosted by Carlton Fields' Cybersecurity and Privacy Practice regarding changes to California's privacy law landscape.

New York: Fiduciary Duty Introduced Anew

The New York Privacy Act was reintroduced this legislative session. While the bill mimics many of the consumer rights and features of the California Consumer Privacy Act, it goes a step further by introducing the concept of a "fiduciary duty" standard. This standard would require companies that process the personal information of individuals to uphold a series of duties to consumers, including a duty of care, a duty of loyalty, and a duty of confidentiality.

Gov. Cuomo also made comments in his January 15, 2021, State of the State address that his office would be introducing a Consumer Data Privacy Bill of Rights.

Carlton Fields' Cybersecurity and Privacy Practice will provide further updates as the bill progresses.

Washington: Third Time Is a Charm for Consumer Privacy Bill?

The Washington Privacy Act (WPA) has been introduced again this legislative session. Much like its predecessor bills, the WPA targets consumer notice, creates a slate of consumer rights that businesses must honor, creates distinct responsibilities for data controllers and processors, and requires data impact assessments for certain data activities.

Two prior versions of the bill ultimately failed in previous legislative sessions as the two chambers of the Legislature could not come to an agreement on the enforcement provisions of the bills.

Carlton Fields' Cybersecurity and Privacy Practice will provide further updates as the bill progresses.

What the Heck Is Happening in California? Web Event

Carlton Fields is hosting a CLE webinar titled "What the Heck Is Happening in California? An Update on California's Privacy Law Landscape" on Tuesday, Feb. 9, at noon PST/3 p.m. EST.

With the CCPA taking effect in 2020; a new privacy law, the California Privacy Rights Act (CPRA), passed by California voters in November 2020; and a new attorney general soon to take office, California will certainly be a place to watch in 2021.

This webinar will cover all aspects of the recent CPRA, how the CPRA and the CCPA correspond to one another, and what to expect for CCPA enforcement in the coming year.

The panelists will also provide practical advice and takeaways for companies to consider as they continue to adapt to California's shifting standards, with an eye toward compliance with other privacy laws that may be passed in other jurisdictions.

Attorneys Steven Blickensderfer, Christina Gagnier, and Joe Swanson are presenting the program.

If you are interested in attending this event, [please register to receive additional access information](#).

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