

# Guide to Nevada's Privacy Law

*Step-by-Step Suggestions to  
Support Compliance with SB 220*



The new Nevada privacy law, Senate Bill 220 (SB 220), took effect on October 1, 2019.

This *Guide to Nevada's Privacy Law* summarizes SB 220 to help companies prepare, identifies similarities and differences from CCPA, outlines steps to comply, and summarizes solutions to support these efforts.

**This document is intended as a general overview and cannot be regarded as legal advice. The information is based on the state of the market on the date the document was published.**

## What is Nevada SB 220?

Nevada Senate Bill 220 (SB 220) amends the state's existing privacy law, Nevada Revised State 603A (enacted in 2017), for owners and operators of websites or online commercial providers. The law grants consumers who live in Nevada the right to opt-out of the sale of their personal information and to direct website operators not to sell their information. SB 220 went into effect on October 1, 2019, making it the first law in the U.S. to grant these rights.

SB 220 applies to operators "of an Internet website or online service which collects certain items of personally identifiable information about consumers" in Nevada. Health care and financial institutions subject to GLBA and HIPAA are exempted from the scope of this law.

### Definitions

SB 220 defines "sale" as the sale or licensing of personal information for monetary consideration by the operator "to a person for the person to license or sell the covered information to additional persons."

It defines "consumer" as any person who seeks or acquires any good, service, money, or credit for personal, family, or household purposes from the Internet website or online service of an operator.

Personal information is defined as information personally identifiable about a consumer; "covered information" includes name, physical address, email address, phone number, Social Security number, "[a]n identifier that allows a specific person to be contacted either physically or online" and "[a]ny other information concerning a person collected from the person through the Internet website or online service ... in combination with an identifier in a form that makes the information personally identifiable."

### Requirements

SB 220 requires that businesses have a "designated request address"—email address, telephone number, website—for individuals to submit requests; there is no requirement for the request address to be on a business's internet homepage.

SB 220 requires that businesses respond to verifiable requests within 60 days of receiving a request, with a 30-day extension permissible if necessary. It does not specify how an operator should verify the authenticity of a consumer request. It stipulates that an operator must "reasonably verify the authenticity of the request and the identity of the consumer using commercially reasonable means."

## Penalties for Violation

The Nevada Attorney General has enforcement power over SB 220 provisions. If an operator directly or indirectly violated these provisions, the AG may seek a temporary or permanent injunction or impose a civil penalty of up to \$5,000 for each violation. SB 220 doesn't establish a private right of action against an operator.

## How is it Different from CCPA?

You may be thinking to yourself at this point - if I am compliant with CCPA do I need to do anything to comply with Nevada? The answer is yes. Owners/operators subject to SB 220 should first analyze the extent to which they sell in scope "covered information." From there, they should review their online privacy policy and ensure the required disclosures are in place, and lastly, create a process by which consumers may opt-out of the sale of their information.

Difference	Nevada SB 220	CCPA
SB 220 exclusions differ from CCPA	There are broad "operator" and notice requirement exclusions for entities regulated by the Gramm-Leach-Bliley Act (GLBA) or the Health Insurance Portability and Accountability Act (HIPAA), certain motor vehicle manufacturers and third-party service providers supporting the "operator."	The CCPA excludes types of information regulated under other regimes, such as: Medical information or protected healthcare information governed by California and federal health information laws; Clinical trial information subject to the Federal Policy for the Protection of Human Subjects (the Common Rule) or Personal information regulated by the Fair Credit Reporting Act (FCRA).
SB 220 and CCPA have different enforcement penalties; SB 220 has no private right of action, whereas CCPA does	<p>SB 220 state explicitly that its provisions "do not establish a private right of action against an operator."</p> <p>The Nevada Attorney General can enforce SB 22, and if the AG successfully proves an operator violated SB 220, the district court can issue an injunction or impose a civil penalty of less than \$5,000 per violation.</p>	California's attorney general is empowered to bring an action against any company or individual person violating CCPA. The CCPA allows for fines of up to \$2,500 per violation or \$7,500 per intentional violation but does not place a cap on the total amount of fines. California residents may bring a private action where businesses would pay between \$100 to \$750 per resident or incident, regardless of whether actual damages are shown, provided the business had 30 days' written notice to cure the alleged violation.

Difference	Nevada SB 220	CCPA
SB 220 defines “sale” more narrowly than CCPA	Defines “sale” as the sale or licensing of personal information for monetary consideration.	Defines “sale” more broadly to include the sale, renting, release, disclosure, dissemination, availability, or transfer of personal information for monetary or other valuable consideration.
SB 220 defines “consumer” more narrowly to exclude employee information	Defines “consumer” as any person who seeks or acquires any good, service, money, or credit for personal, family, or household purposes.	As currently written, CCPA defines consumers as California residents.
SB 220 defines “personal information” more narrowly to exclude “household” information	Defines personal information as information personally identifiable information about a consumer.	Defines personal information as information that identifies, relates to, describes, is capable of being associated with, or could reasonably be associated with a consumer or household.
SB 220 has broader applicability - no required thresholds to meet	SB 220 applies to businesses that: (1) own or operate a website or online service; (2) collect personal information from consumers who reside in the state and use or visit the site; and (3) direct their activities toward the state, purposefully avail itself of the privilege of conducting activities in the state, or otherwise have a sufficient nexus with the state	One of the minimum thresholds must be met for the law to apply (e.g., only applies to businesses that have annual gross revenue exceeding \$25 million; or annually buy, receive, sell, or share for commercial purposes the personal information of 100,000 or more consumers or households; or derives 50% or more revenue from selling or sharing consumers’ personal information).
SB 220 timeframe for response and extensions differ from CCPA's	Requires that businesses respond to verifiable requests within a defined time. SB 220 requires that businesses respond within 60 days upon receiving a request; with a 30-day extension permissible if necessary	Requires that requests be responded to within 45 days of receiving of request; with up to 90, a 45-day extension permissible if necessary
SB 220 does not allow a business to request authorization for a sale after opt-out	Requires the businesses that receive an opt-out request not make any sale, indefinitely	Provides that businesses can, after 12-months of respecting a consumer’s decision to opt-out, request from the consumer authorization for the sale of his or her personal information.

Difference	Nevada SB 220	CCPA
SB 220 does not require a conspicuous “Do Not Sell My Personal Information” mechanism on the homepage (and it only requires one method of communication vs. two with the CCPA)	Requires that businesses have a “designated request address”— email address, telephone number, website—for individuals to submit requests; there is no requirement for the request address to be on a business’s internet homepage	Requires that business provide a clear and conspicuous link on the business’s internet homepage, titled “Do Not Sell My Personal Information” and a toll-free number for individuals to make a request.
Nevada SB 220 has no opt-in requirements.	Requires an opt-out regardless of the consumer’s age.	The CCPA requires consumers between the ages of 13 and 16 to opt-in to the sale of their data, and parental consent for consumers under the age of 13.

## How can Companies Comply?

The privacy experts at TrustArc recommend that companies follow the below steps in their efforts to comply with SB 220.

### STEP 1



If a company determines that they are an “operator” in scope, the first step is determining where its Nevada resident data is located. This would be accomplished via a data inventory and mapping exercise.

The following types of covered information should be focused on as part of that review:

- ✓ First and last name
- ✓ A home or other physical address
- ✓ E-mail address
- ✓ Phone number
- ✓ Social security number
- ✓ Any identifier that allows a person to be contacted either physically or online
- ✓ Any other information collected about a person that, in combination with any of the above, can be used to identify a natural person

## STEP 2



Review and update their posted privacy policy to ensure it is current with both Nevada's original privacy law (defined in NRS 603A.320) and with SB 220.

The privacy policy needs to contain all of the following disclosures:

- ✓ The categories of personal information collected.
- ✓ The categories of third parties with whom that information is shared; if tracking technologies are utilized (e.g., cookies).
- ✓ A description of the process for the user to review and request updates to his or her personal information.
- ✓ A description of the process by which users are notified of any changes to the privacy policy.
- ✓ A description of the process by which users are notified of any changes to the privacy policy.
- ✓ The effective date of the Privacy Policy.
- ✓ Whether or not Personal Information in scope is sold.
- ✓ The address in which a Nevada consumer can submit a request asking the Operator not to sell their information if the Operator does engage in selling information. The address can be an email address, website form location, or a toll-free phone number could be utilized.

## STEP 3



Review Individual Rights (DSAR) processes in place currently and update to ensure they are compliant:

- a. Review the current DSAR workflow to ensure that when a request is received from a Nevada consumer it is responded to within 60 days of receipt of the request.
- b. Set up a process of standard operating procedures by which the request triggers that the consumer's information is opted-out from sale.

## Solutions to Support Compliance with the Nevada Privacy Law

TrustArc has a comprehensive set of privacy management solutions to help you manage all phases of Nevada SB 220 compliance.

TrustArc provides solutions to address all phases of privacy compliance:



## Why TrustArc



**Our People** - The TrustArc team, located at both our headquarters in San Francisco and offices throughout the US, EU, and Asia, is dedicated to developing and delivering best-in-class data privacy management solutions. The TrustArc team has helped companies of all sizes across all industries develop and implement privacy programs by using its extensive privacy, legal, technology, business, and project management experience. TrustArc privacy consultants and analysts are recognized data privacy leaders with significant experience using the TrustArc methodology and Privacy Platform at every stage of privacy maturity.



**Our Methodology** - For two decades, TrustArc has continuously refined its methodology to address new and existing laws, regulations, and standards. Additionally, our best practice standards are based upon helping thousands of clients at all levels of privacy maturity. Our processes are powered by our technology solutions to provide an unparalleled level of service.



**Technology** - The TrustArc Privacy Platform was purpose-built to address complex privacy compliance and risk management challenges. The award-winning SaaS solution has been continuously expanded to address automated compliance reviews, cookie consent management, website tracker scanning, advertising compliance, data mapping, and much more. This proven technology solution is backed by an expert team of engineers, used by clients across all industries, and available in flexible self-service and managed-service delivery options.

## TrustArc PrivacyCentral

PrivacyCentral provides end-to-end privacy management through a series of integrated modules and an automated dashboard designed to address a wide range of compliance requirements.



PrivacyCentral supports a wide range of global privacy regulations including GDPR, CCPA & CPRA, PIPL, LGPD, etc.

Reduce your organization's time to compliance with privacy laws and the associated costs by using PrivacyCentral's intelligent automation software to guide your Privacy team.

Monitor laws in real time, get access to trusted and easy to use frameworks to prescribe and recommend actions on legal compliance constantly.

## Take Control of Nevada's Privacy Law with TrustArc

[Schedule a Tailored Consultation](#)

### About TrustArc

As the leader in data privacy, TrustArc automates and simplifies the creation of end-to-end privacy management programs for global organizations. TrustArc is the only company to deliver the depth of privacy intelligence, coupled with the complete platform automation, that is essential for the growing number of privacy regulations in an ever-changing digital world. Headquartered in San Francisco and backed by a global team across the Americas, Europe, and Asia, TrustArc helps customers worldwide demonstrate compliance, minimize risk, and build trust. For additional information, visit [www.trustarc.com](https://www.trustarc.com).