

The Iowa CDPA (effective January 1, 2025) governs entities that control (“controllers”) or process (“processors”) and, as applicable, sell, the personal data of Iowa residents, other than in the employment or business-to-business contexts (“consumers”). It also grants Iowa residents certain rights with respect to their personal data.

Applicability

The Iowa CDPA applies to persons that conduct business in Iowa or produce products or services that are targeted to consumers who are residents of the state, and who either:

- Control or process the personal data of at least **100,000** consumers per calendar year, or
- Derive over **50%** of their gross revenue from the sale of personal data and control or process the personal data at least **25,000** consumers per calendar year.

Practical Application for Businesses

Consumer Rights:

- (1) **Right to Access:** the right to confirm whether a controller is processing personal data and access such data.
- (2) **Right to Delete:** the right to delete personal data concerning the consumer.
- (3) **Right to Data Portability:** the right to obtain the personal data in a portable, and, to the extent practicable, readily usable format that allows the consumer to transmit the data to another entity without hindrance, where processing is by automated means.
- (4) **Right to Opt-out:** the right to opt out of (i) the sale of personal data or (ii) the processing of sensitive data (at least prior to processing). The opt-out rights do not expressly include the right to opt out of the use of personal data for targeted advertising.

Controller Obligations:

- Publish a privacy notice that contains requisite details and is reasonably accessible, clear, and meaningful.
- Provide consumers with methods to exercise their rights.
- Act on consumer requests within **90 days**; provide notice of extensions and the appeals process as necessary
- Before processing sensitive data, provide consumers with clear notice and an opportunity to opt out of the processing. “Sensitive data” includes a carve out to the extent certain sensitive data is used to avoid discrimination.
- Enter into binding data processing agreements with requisite limitations for third-party processors.

Recommendations for Controllers:

- Regularly update data maps to detail personal data collection, including sensitive data and targeted advertising.
- Train employees how to handle consumer inquiries and requests.
- Maintain clear and executable data retention policies and procedures.

Penalties:

- The Iowa Attorney General has the exclusive enforcement authority.
- There is a 90-day cure period to correct violations following notice from the Iowa Attorney General.
- Penalties may include fines up to **\$7,500 per violation**.