



Joint Commission on Technology and Science

Consumer Data Protection Act Work Group

June 14, 2021, at 2:00 p.m.

Electronic Meeting

<http://dls.virginia.gov/commission/jcots.htm>

The Consumer Data Protection Act Work Group (the Work Group) of the Joint Commission on Technology and Science (the Joint Commission) met electronically with Delegate C.E. Cliff Hayes, Jr., chair, presiding.¹ The meeting began with introductions and opening remarks followed by presentations and discussion. Materials presented at the meeting are accessible through the [Joint Commission's meetings webpage](#).

Presentation: Timeline of the Virginia Consumer Data Protection Act

Delegate Hayes

Delegate Hayes described the process of writing the Virginia Consumer Data Protection Act (VCDPA) beginning in January 2020 and the General Assembly passing the legislation (HB 2307 [Hayes] and SB 1392 [Marsden]) during the 2021 Special Session I. He explained that Virginia is only the second state to pass comprehensive general data privacy legislation, following the passage of the California Consumer Privacy Act in 2018. The VCDPA was modeled on SB 5062 in Washington, which failed to pass the Washington State Legislature earlier this year. As part of the enactment of the VCDPA, the General Assembly directed the Joint Commission to create the Work Group to review the provisions of the act and issues related to its implementation.

Presentation: Provisions of the VCDPA

Hassan Abdelhalim, Attorney, Division of Legislative Services

David Barry, Attorney, Division of Legislative Services

Mr. Abdelhalim and Mr. Barry described the provisions of the VCDPA, including the data, controllers, and processors that are covered by the VCDPA and data that is exempted by federal law; rights of customers to control their data; limitations on requirements of controllers and processors; and enforcement authority. They also outlined the responsibilities of the Work Group and the effective date of the VCDPA as well as proposed future dates for Work Group meetings.

Public Comment

Work Group member Jim Halpert said that because the Attorney General's office is tasked with enforcement of the VCDPA, the Work Group should consider what type of educational outreach should be done, particularly to small-sized and medium-sized businesses, to assist with compliance with the VCDPA.

¹ **Members Present:** Delegate C.E. Cliff Hayes, Jr., Senator David W. Marsden, Evan Feinman, Stacey Gray, Jim Halpert, Keir Lamont, Kate Landers, Sam Towell, Dana Wiggins

Members Absent: Gil Brand, Carlos Rivero,

Joint Commission member Delegate Kathy J. Byron asked for more information about the Washington privacy act. Delegate Hayes responded that the VCDPA was based on the Washington privacy act, but that the VCDPA omitted any reference to or regulation of facial recognition technology because that was a contributing factor to the Washington bill's failure to pass. He added that U.S. Representative Suzan DelBene from Washington has introduced legislation for federal regulation of data privacy.

Next Meeting

The next meeting will be held in person on July 12, 2021, at 2:00 p.m.

For more information, see the [*Joint Commission's website*](#) or contact the Division of Legislative Services staff:

Hassan Abdelhalim, Attorney, DLS
habdelhalim@dls.virginia.gov
804-698-1868

David Barry, Attorney, DLS
dbarry@dls.virginia.gov
804-698-1865

