

## Virginia Amends the VCDPA Ahead of January 1, 2023 Effective Date

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On April 11, 2022, Virginia Governor Glenn Youngkin signed into law three bills that amend the Virginia Consumer Data Protection Act ("VCDPA") ahead of the VCDPA's January 1, 2023 effective date. The bills, [HB 381](#), [HB 714](#) and [SB 534](#), (1) add a new exemption to the VCDPA's right to delete; (2) modify the VCDPA's definition of "nonprofit"; and (3) abolish the Consumer Privacy Fund.

A summary of the bills is as follows:

- **HB 381** – The bill adds a new exemption to the right to delete, providing that "a controller that has obtained personal data about a consumer from a [third party] shall be deemed in compliance with a consumer's request to delete [...] by either (i) retaining a record of the deletion request and the minimum data necessary for the purpose of ensuring the consumer's personal data remains deleted [...] and not using such retained data for any other purpose [...] or (ii) opting the consumer out of the processing of such personal data for any purpose except for those exempted pursuant to [the VCDPA]." (An identical bill, [SB 393](#), was vetoed by the governor.)
- **HB 714/SB 534 (identical bills)** – These bills redefine "nonprofit" to include political organizations and certain § 501(c)(4) organizations and, therefore, exempt these organizations from the VCDPA's requirements. The bills also abolish the Consumer Privacy Fund and provide that all civil penalties, expenses and attorney's fees collected from enforcement of the VCDPA shall be deposited into the Regulatory, Consumer Advocacy, Litigation and Enforcement Revolving Trust Fund.

Notably, the VCDPA does not authorize a rulemaking process, so these amendments finalize the text of the VCDPA going into its January 1, 2023 effective date.

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