

State privacy comparison: What are the penalties for violation the state privacy statutes?

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Many modern data privacy statutes rely heavily on regulatory enforcement. The amount of civil penalty that a regulator can see for violations differs between and among the states. It should also be noted, there may be ambiguity within certain states regarding how violations are “counted.” For example, a business might consider the inadvertent selling of personal information found within its database to a third party after an individual has opted-out as “one” violation. A regulator might argue, however, that a separate violation was committed for each data subject whose information was sold to the third party. Ultimately, courts will have to determine whether one act, that might have occurred multiple times, constitutes a single violation or multiple violations. The following chart compares the regulator that is authorized to bring enforcement actions, as well as the civil penalties that the regulator may seek:

	<u>Enforcement agency.</u> Which agency is authorized to enforce the statute.	<u>Civil penalty authorized per violation.</u> What is the maximum civil penalty permitted per violation?	<u>Enhanced civil penalty for intentional acts.</u> What is the maximum civil penalty permitted per violation if the act was intentional?
California 2022 CCPA	Attorney General[1]	Up to \$2,500[7]	Up to \$7,500[13]
California 2023	California	Up to \$2,500[8]	Up to \$7,500[14]

CPRA	Privacy Protection Agency or Attorney General[2]		
Colorado 2023 CPA	Attorney General or District Attorneys[3]	Up to \$2,000[9] (\$500,000 maximum for related violations)	N/A
Conn. 2023 CTDPA	Attorney General[4]	Up to \$5,000[10]	N/A
Utah 2023 UCPA	Attorney General[5]	Up to \$7,500[11]	N/A
Virginia 2023 VCDPA	Attorney General[6]	Up to \$7,500[12]	N/A

ENDNOTES

1. Cal. Civ. Code §1798.155(b) (West 2020).

2. Cal. Civ. Code § 1798.199.90(a) (West 2021) (authorizing the attorney general to bring enforcement actions); § 1798.199.55 – 75 (authorizing CPPA to bring enforcement actions).

3. C.R.S. § 6-1-1311(1)(a).

4. Connecticut Substitute Bill No. 6 at § 11(a).

5. Utah Code Ann. §13-61-402.

6. Va. Code § 59.1-580(A).

7. Cal. Civ. Code § 1798.155(b) (West 2020).

8. Cal. Civ. Code § 1798.199.90 (West 2021).

9 .C.R.S. § 6-1-1311(c).

10 .Connecticut Substitute Bill No. 6 at § 11(e).

11. Utah Code Ann. §13-61-402(3)(d).

12. Va. Code § 59.1-580(B).

13. Cal. Civ. Code § 1798.155(b) (West 2020).

14 Cal. Civ. Code § 1798.199.90 (West 2021).

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