

Are Companies Required to Allow Individuals to Appeal Denied Data Subject Requests?

Article By:

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	California 2022 CCPA	California 2023 CPRA	Colorado 2023 CPA	Connecticut 2023 CTDPA	Utah 2023 UCPA	Virginia 2023 VCDPA
<u>Appeals process.</u> Does the statute require that an appeals process be created for consumers if their data subject request is denied?	x	x	✓ ¹	✓ ²	x	✓ ³
<u>Privacy notice.</u> Does the process for submitting an appeal need to be referenced within the organization's privacy notice?	x	x	✓ ⁴	✓ ⁵	x	✓ ⁶
<u>Adjudicator of appeal.</u> Does the statute specify who should determine an appeal?	x	x	x/✓ (refers to an "internal" process, but does not specify who within the organization)	x	x	x
<u>Independence.</u> Does the statute specify whether the adjudicator of the appeal needs to be independent of the individual that decided the initial request?	x	x	x	x	x	x
<u>Time period within which to file appeal.</u> Does the statute state how long the consumer must be given to file an appeal?	x	x	✓ ⁷ (Reasonable time period)	✓ ⁸ (Reasonable time period)	x	✓ ⁹ (Reasonable time period)
<u>Similarity to DSR request.</u> Must the appeals process be similar to the process of submitting the initial request?	x	x	✓ ¹⁰ (as easy to use)	✓ ¹¹	x	✓ ¹²
<u>Time period for responding to appeal.</u> Does the statute specify a time period in which the controller must respond to an appeal?	x	x	✓ ¹³ (within 45 days)	✓ ¹⁴ (within 60 days)	x	✓ ¹⁵ (within 60 days)
<u>Extension to time period for responding to appeal.</u> Does the statute permit an extension of the time within which the controller must respond to an appeal?	x	x	✓ ¹⁶ (60 additional days)	x	x	x
<u>Written decision.</u> Does the response to the appeal need to be in writing?	x	x	✓ ¹⁷	✓ ¹⁸	x	✓ ¹⁹
<u>Explanation as to decision.</u> Does the response need to provide an explanation of the reasons for the decision?	x	x	✓ ²⁰	✓ ²¹	x	✓ ²²
<u>Regulator referral info.</u> Does a denied appeal need to identify how the consumer can contact a regulatory to submit a complaint?	x	x	✓ ²³	✓ ²⁴	x	✓ ²⁵

Key:

✓	State statute requires a system for appeals.
×	State statute does not require a system for appeals.

FOOTNOTES

¹ C.R.S. § 6-1-1306(3).

² Connecticut Substitute Bill No. 6, § 4(d).

³ Va. Code § 59.1-573(c).

⁴ C.R.S. § 6-1-1308(1)(a)(III).

⁵ Connecticut Substitute Bill No. 6, § 6(c)(3).

⁶ Va. Code § 59.1-574(C)(3).

⁷ C.R.S. § 6-1-1306(3)(a).

⁸ Connecticut Substitute Bill No. 6, § 4(d).

⁹ Va. Code § 59.1-573(c).

¹⁰ C.R.S. § 6-1-1306(3)(a).

¹¹ Connecticut Substitute Bill No. 6, § 4(d).

¹² Va. Code § 59.1-573(c).

¹³ C.R.S. § 6-1-1306(3)(b).

¹⁴ Connecticut Substitute Bill No. 6, § 4(d).

¹⁵ Va. Code § 59.1-573(c).

¹⁶ C.R.S. § 6-1-1306(3)(b).

¹⁷ C.R.S. § 6-1-1306(3)(b).

¹⁸ Connecticut Substitute Bill No. 6, § 4(d).

¹⁹ Va. Code § 59.1-573(c).

²⁰ C.R.S. § 6-1-1306(3)(b).

²¹ Connecticut Substitute Bill No. 6, § 4(d).

²² Va. Code § 59.1-573(c).

²³ C.R.S. § 6-1-1306(3)(c).

²⁴ Connecticut Substitute Bill No. 6, § 4(d).

²⁵ Va. Code § 59.1-573(c).

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