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2024 Privacy Developments: Action Item Checklist

2024 has been another big year for privacy, with significant developments happening almost daily. Several new state privacy laws are going into effect, with several more coming in 2025, and discussions surrounding a potential federal privacy law that could reshape the privacy landscape nationwide continue to intensify. Meanwhile, threats and litigation against companies for alleged privacy violations continue to push and test the boundaries of various laws. Issues such as the protection of health data and minors' data are hot topics for legislation and litigation. And federal and state regulators across the country are ramping up enforcement efforts for privacy violations. Additionally, the intersection of privacy with emerging technologies like Artificial Intelligence is becoming a critical area of focus. Below is a checklist of action items for businesses to prepare for what is ahead.

- ☐ Analyze geographic scope of business operations and data collection practices and review applicability thresholds for privacy laws to determine applicable jurisdictions and privacy laws and requirements.
- ☐ Analyze collection of "sensitive data" (e.g., biometrics, health, minors' data, precise geolocation).
- ☐ Review website analytics and determine if you are selling or sharing for targeted advertising under applicable state laws.
- ☐ If you are selling/sharing/profiling, be sure to offer opt-out links, mechanisms and honor global opt outs as required by applicable law.
- ☐ If you are collecting/processing sensitive data, be sure to implement affirmative opt-in consent procedures.
- ☐ If you are doing any high-risk processing (selling/sharing/collection of sensitive data), prepare a Data Protection Impact Assessment as required by applicable laws.
- ☐ Conduct an annual review/scan of data collection practices, and update privacy policies to reflect data collection, use and disclosure and consumer rights.
- ☐ Consider implementation of pop-up warnings or cookie banners for consent to collect website data through cookies or pixels in light of litigation risk.
- ☐ Avoid dark patterns in website disclosures and consent mechanisms.
- ☐ Continue to monitor privacy law developments, including with respect to developing technologies such as AI.
- ☐ Train relevant staff on applicable privacy laws and consumer privacy rights and consumer request procedures and responses.

For further information or assistance contact Scott Hall or a member of Coblentz's Data Privacy & Cybersecurity team.

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