

Alert | Data, Privacy & Cybersecurity



June 2019

Nevada Passes Opt-out Privacy Law, Effective October 1, 2019

While businesses prepare to comply with the California Consumer Privacy Act (CCPA), Nevada has followed California's lead and has amended its law to provide consumers with the right to opt-out of the "sale" of their personal information by website operators.

The amendment, SB 220, will take effect October 1, 2019, three months *before* the effective date of the CCPA. Accordingly, nationwide website operators focusing on CCPA compliance now will also need to make changes to their posted privacy notices and internal procedures to comply with the Nevada law by October.

Under the new law, covered operators must provide consumers with notice of a designated email, toll-free phone, or website address to submit opt-out requests. Operators will have 60 days to respond to "verified requests" to opt-out. The legislation defines a "verified request" as a request for which "an operator can reasonably verify the authenticity of the request and the identity of the consumer using commercially reasonable means," but does not define what constitutes "commercially reasonable means."

While the opt-out concept is similar to the heart of CCPA, Nevada's definition of a "sale" is narrower than under CCPA. Nevada's definition is limited to "the exchange of covered information for monetary consideration by the operator to a person for the person to license or sell the covered information to additional persons," whereas CCPA's definition extends to the sharing of personal information for non-monetary consideration ("other valuable consideration").

The Nevada law also differs from CCPA by employing a narrower definition of personal information than under CCPA.

The Nevada law also includes a number of exemptions from its definition of covered “operators” who: (1) own or operate a website or online service for commercial purposes; (2) collect and maintain Nevada residents’ personally identifiable information; and (3) purposefully direct their activities toward Nevada. The exemptions include financial institutions subject to the provisions of the Gramm-Leach-Bliley Act, health care providers (and related entities) subject to HIPAA, manufacturers and servicers of motor vehicles, and third-party service providers supporting the business of an “operator.” Penalties include injunctive relief or up to \$5,000 per violation, enforceable by the State Attorney General’s Office.

For guidance on U.S. privacy compliance or more information about Nevada’s new law, please contact the authors identified below, or your Greenberg Traurig attorney.

For more information on the California Consumer Privacy Act, [click here](#).

Authors

This GT Alert was prepared by **Gretchen A. Ramos**, **Ed Chansky**, and **Cathy C. Shyong**. Questions about this information can be directed to:

- **Gretchen A. Ramos** | +1 415.655.1319 | ramosg@gtlaw.com
- **Ed Chansky** | +1 702.599.8016 | chanskye@gtlaw.com
- **Cathy C. Shyong** | +1 415.655.1276 | shyongc@gtlaw.com
- Or your **Greenberg Traurig** attorney

Albany. Amsterdam. Atlanta. Austin. Boca Raton. Boston. Chicago. Dallas. Delaware. Denver. Fort Lauderdale. Germany. [~]Houston. Las Vegas. London. ^{*}Los Angeles. Mexico City. ⁺Miami. Minneapolis. New Jersey. New York. Northern Virginia. Orange County. Orlando. Philadelphia. Phoenix. Sacramento. San Francisco. Seoul. [∞]Shanghai. Silicon Valley. Tallahassee. Tampa. Tel Aviv. [^]Tokyo. ^{*}Warsaw. [~]Washington, D.C.. West Palm Beach. Westchester County.

This Greenberg Traurig Alert is issued for informational purposes only and is not intended to be construed or used as general legal advice nor as a solicitation of any type. Please contact the author(s) or your Greenberg Traurig contact if you have questions regarding the currency of this information. The hiring of a lawyer is an important decision. Before you decide, ask for written information about the lawyer’s legal qualifications and experience. Greenberg Traurig is a service mark and trade name of Greenberg Traurig, LLP and Greenberg Traurig, P.A. [~]Greenberg Traurig’s Berlin office is operated by Greenberg Traurig Germany, an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. ^{}Operates as a separate UK registered legal entity. ⁺Greenberg Traurig’s Mexico City office is operated by Greenberg Traurig, S.C., an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. [∞]Operates as Greenberg Traurig LLP Foreign Legal Consultant Office. [^]Greenberg Traurig’s Tel Aviv office is a branch of Greenberg Traurig, P.A., Florida, USA. [~]Greenberg Traurig Tokyo Law Offices are operated by GT Tokyo Horitsu Jimusho, an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. [~]Greenberg Traurig’s Warsaw office is operated by Greenberg Traurig Grzesiak sp.k., an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. Certain partners in Greenberg Traurig Grzesiak sp.k. are also shareholders in Greenberg Traurig, P.A. Images in this advertisement do not depict Greenberg Traurig attorneys, clients, staff or facilities. No aspect of this advertisement has been approved by the Supreme Court of New Jersey. ©2019 Greenberg Traurig, LLP. All rights reserved.*