

## **Virginia Consumer Data Protection Act (“VCDPA”)**

On March 2, 2021, Virginia Governor Ralph Northam signed the [Consumer Data Protection Act](#) (“VCDPA”) into law, making Virginia the second state (behind CA) to enact its own comprehensive data privacy legislation.

The VCDPA is similar, but not identical to, the California Consumer Privacy Act of 2018 (“CCPA”). The VCDPA includes similar concepts and provisions, such as giving Virginians the right to determine whether their data is being collected and processed, to ask for a copy of their data, to correct inaccuracies, to ask for the deletion of personal data, and to opt out of processing personal data that may be used for targeted advertising, sale, or consumer profiling. Different than the CCPA, however, the VCDPA gives the Virginia attorney general exclusive enforcement authority and does not provide for a private right of action. The VCDPA becomes effective January 1, 2023, which is the same day most of the provisions of the California Privacy Rights Act of 2020 (“CPRA”) will take effect. The CPRA is the updated voter-approved version of the CCPA. The VCDPA will apply to all businesses that control or process data for at least 100,000 Virginians, or those commercial entities that derive at least 50% of their revenues from the sale and processing of consumer data of at least 25,000 customers.