

## DATA PRIVACY AND CYBERSECURITY

### WEBSITE OPERATORS IN OR TARGETING NEVADA, YOU HAVE PRIVACY POLICIES TO IMPLEMENT BY OCTOBER 1, 2017

by Sara Jodka and Justin Root

As of October 1, 2017, Nevada will join California and Delaware to require the operators of certain websites and online services to post a notice on their website informing users about their privacy practices. The [law](#), which will amend Nevada's Security of Personal Information statute ([NRS 603A – Security of Personal Information](#)), will exclude in-state entities that derive revenue primarily from sources other than online sales and have fewer than 20,000 unique visitors per year. Under the law, five categories of information are expressly mandated to be in the notice. Specifically, the notice must:

1. Identify the categories of "covered information" collected through the website and the categories of third parties with whom that information may be shared;
2. Describe the process, if any, by which users may review and request changes to covered information collected through the website;
3. Disclose whether third parties may collect information about users' online activities from the website;
4. Provide an effective date of the notice; and
5. Describe how the website operator will notify consumers of material changes to the notices required to be made under the new law.

For purposes of this law, "covered information" includes:

1. A first and last name;
2. A home or other physical address that includes the name of a street and the name of a city or town;
3. An electronic mail address;
4. A telephone number;
5. A social security number;
6. An identifier that allows a specific person to be contacted either physically or online; and
7. Any other information concerning a person collected from the person through the website or online service in combination with any identifier in a form that makes the information personally identifiable.

Once the law is enacted, the Nevada Attorney General will have the power to issue temporary or permanent injunctions and to assess penalties of up to \$5,000 per violation to enforce compliance. The law does not establish a private cause of action, which means no individual website users can sue an entity for violating the law, but it also does not preempt any other remedies provided by law.

If you have any questions about the applicability of the law to your website or online services, or need your privacy policy updated and revised in line with the law, please contact one of our data privacy and cybersecurity attorneys.

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