

Privacy Laws Govern the Use of Trackers, Cookies and Pixels

This guide highlights laws that have been referenced in web tracker lawsuits, identifies which have a private right of action, as well as provides examples of related settlements or regulatory fines.

STATE LAWS

JANUARY 1, 2023

California Privacy Rights Act (CPRA)

The only comprehensive state laws with a private right of action ranging from \$100-\$750 per consumer

JANUARY 1, 2023

Virginia Consumer Data Protection Act (VCDPA)

JULY 1, 2023

Colorado Privacy Act (CPA)

JULY 1, 2023

Connecticut Personal Data Privacy and Online Monitoring Act (CTDPA)

DECEMBER 31, 2023

Utah Consumer Privacy Act (UCPA)

JULY 1, 2024

Tennessee Information Protection Act (TIPA)

JULY 1, 2024

Oregon Consumer Privacy Act (OCPA)

JULY 1, 2024

Florida Digital Bill of Rights (FDBR)

OCTOBER 1, 2024

Montana Consumer Data Privacy Act (MTCDDPA)

JANUARY 1, 2025

Iowa Consumer Data Protection Act (ICDPA)

JANUARY 1, 2025

Texas Data Privacy and Security Act (TDPSA)

JAN. 1, 2025

Delaware Personal Data Privacy Act (DPDPA)

JAN. 15, 2025

New Jersey Data Privacy Act (NJDPDA)

JANUARY 1, 2026

Indiana Consumer Data Privacy Act (INCDPA)

ENACTED 1981, AMENDED 2023

California Confidentiality of Medical Information Act (CMIA)

Private right of action up to \$2,500 per violation

MARCH 31, 2024

Washington My Health My Data Act

Private right of action - Washington residents can sue for actual damages up to \$25,000 under the Washington Consumer Protection Act

FEDERAL LAWS

ENACTED IN 1986

Electronic Communications Privacy Act (ECPA), Wiretap Act

ENACTED IN 1988

Video Privacy Protection Act (VPPA)

Private right of action up to \$2,500 per violation

ENACTED IN 1914

Federal Trade Commission (FTC) Act

ENACTED IN 2000

Children's Online Privacy Protection Act (COPPA)

ENACTED IN 1996

HIPAA - Health Breach Notification Rule HIPAA Privacy Rule

ENACTED IN 2009

Health Information for Economic and Clinical Health Act (HITECH ACT)

ENACTED IN 1999

Gramm-Leach-Bliley Act - Privacy of Consumer Financial Information Rule

ENACTED IN 1970

Racketeer Influenced and Corrupt Organizations Act (RICO)

RECENT LAWSUITS & REGULATORY ACTIONS

Regulatory Actions

Jan. 2024 - NY State AG Hits NYP With \$300K Fine for Web Tracker Use Under the HITECH Act

March 2023 - BetterHelp is Fined \$7.8 Million for Sharing Sensitive Health Data for Advertising by the FTC

Feb. 2023 - GoodRx Ordered to Pay a \$1.5 Million Civil Penalty for Use of Trackers by the FTC

Aug. 2022 - Sephora Fined \$1.2 Million for Violating California's CCPA

Sept. 2020 - Glow Fertility App Is Fined \$250,000 by California AG Under the California CMIA

Related Class-Action Lawsuits

Jan. 2024 - Novent Health Pays \$6.6 Million to Settle a Consolidated Class Action Lawsuit Involving Its Use of Tracking Tools in Its Websites and Patient Portals

Oct. 2023 - Crunchyroll, Sony Pictures Video Privacy \$16M Class Action Settlement (VPPA)

Aug. 2023 - Advocate Aurora to Settle Web Tracker Claims for \$12.25M

Sept. 2023 - RICO Lawsuit Filed Against H&R Block and Google, Claiming They Jointly Schemed to Use Pixels/Spyware on the H&R Block Site, Scraping Customers' Private Tax Return Information for Profit

May 2023 - The Boston Globe agrees to a \$5m settlement for sending user video data to Facebook under the VPPA

Jan. 2022 - Mass General Brigham Settles Cookies Without Consent' Lawsuit for \$18.4 Million

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