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STATE OF COLORADO
DEPARTMENT OF LAW

Consumer Protection Section

July 10, 2023

[Company Name]
[Physical Address]

Re: Notice of Colorado Privacy Act Effective Date

To whom it may concern,

This letter is being sent to [Company Name] to provide notice that the Colorado Privacy Act, C.R.S. §§ 6-1-1301, et seq., and Colorado Privacy Act Rules, 4 CCR 904-3, (together, the “CPA”) went into effect on July 1, 2023, and may apply to your business. **This letter is informative and is not a notice of violation pursuant to C.R.S. § 6-1-1311(1)(d).**

The CPA is a comprehensive state privacy law protecting Colorado consumers, which applies to a business that “conducts business in Colorado or produces or delivers commercial products or services that are intentionally targeted to residents of Colorado,” and either (a) “controls or processes the personal data of one hundred thousand consumers or more during a calendar year” or (b) “derives revenue or receives a discount on the price of goods or services from the sale of personal data and processes or controls the personal data of twenty-five thousand consumers or more.” (C.R.S. § 6-1-1304(1)).

Businesses that fall within the CPA’s application thresholds have several obligations, including duties related to the processing of Sensitive Data. (C.R.S. § 6-1-1308(7); 4 CCR 904-3, Rule 2.01). Specifically, companies must obtain a Consumer’s consent before Processing their Sensitive Data and obtain a parent's consent before Processing the Personal Data of a known child. (C.R.S. § 6-1-1308(7)).

Consent under the CPA must be obtained through a “clear, affirmative act signifying a consumer's freely given, specific, informed, and unambiguous agreement,” and Dark Patterns do not constitute valid consent. (C.R.S. § 6-1-1303(5); 4 CCR 904-3, Rules 2.04, 7.03). Please note that the Processing of sensitive data includes the collection of sensitive data through pixel tracking and similar technologies.

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We urge you to assess whether the CPA applies to your business, and if so, ensure that you are in full compliance with its terms. To learn more about the CPA or to submit a question for consideration in our FAQs, please visit our website at <https://coag.gov/resources/colorado-privacy-act/>.

We thank you for your help in protecting the data privacy and security of Colorado consumers.

Sincerely,

FOR THE ATTORNEY GENERAL

Stevie DeGroff
ASSISTANT ATTORNEY GENERAL

Jill Szewczyk
ASSISTANT ATTORNEY GENERAL

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