

The APDPA (effective May 1, 2027) governs certain entities that control (“controllers”) or process (“processors”) and, as applicable, sell, the personal data of Alabama residents, other than in the employment or business-to-business contexts (“consumers”). It also grants Alabama residents certain rights with respect to their personal data.

Applicability

The APDPA applies to persons or entities conducting business¹ in Alabama or producing products or services targeted to Alabama residents and that either:

- Control or process the personal data of more than **25,000** consumers, excluding personal data controlled or processed solely for the purpose of completing a payment transaction, or
- Derive over **25%** of gross revenue from the sale of personal data, regardless of the number of consumers.

Practical Application for Businesses

Consumer Rights:

- (1) **Right to Access:** the right to confirm whether a controller is processing personal data and access such data, unless it would require the controller to reveal a trade secret.
- (2) **Right to Correct:** the right to correct inaccuracies in the consumer’s personal data.
- (3) **Right to Delete:** the right to delete personal data concerning the consumer.
- (4) **Right to Data Portability:** the right to obtain the personal data in a portable and, to the extent technically feasible, readily usable format that allows the consumer to transmit the data to another entity without hindrance, provided the controller will not be required to reveal any trade secret.
- (5) **Right to Opt Out:** the right to opt out of the processing of personal data for purposes of (i) targeted advertising, (ii) the sale of personal data, or (iii) profiling for decisions that significantly affect a consumer.

Controller Obligations:

- Publish a privacy notice that contains requisite details and is reasonably accessible, clear, and meaningful.
- Obtain consent to collect sensitive data, including personal data of any consumers under **13**.
- Provide consumers with sufficient methods to exercise the above-listed rights, including a website link that enables the right to opt out, and effective **January 1, 2028**, an “opt-out preference signal.”
- Act on consumer requests within **45 days**; provide notice of extensions and the appeals process as necessary.
- Enter into binding data processing agreements with requisite limitations for third-party processors.

Recommendations for Controllers:

- Regularly update data maps to detail personal data collection, including sensitive data and targeted advertising.
- Assess non-monetary data-sharing arrangements under the broad definition of the “sale of personal data.”
- Train employees how to handle consumer inquiries and requests.
- Maintain clear and executable data retention policies and procedures.

Penalties:

- The Alabama Attorney General has exclusive enforcement authority and may seek injunctive relief and civil penalties **up to \$15,000 per violation**.
- There is a 45-day cure period to correct violations following notice from the Alabama Attorney General; the controller must provide written attestation of the cure and a commitment that no further violations will occur.

As of July 6, 2026. These materials are for informational purposes only and not for the purpose of providing legal advice.

¹ Exempt entities include businesses with fewer than 500 employees that do not sell personal data.