

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

Applicability

The LDPA applies to any person or entity that does business in Louisiana and satisfies at least one of the following thresholds:

- Has annual gross revenues in excess of **\$25 million**, or
- Annually buys, receives, sells, or shares for commercial purposes the personal information of **75,000** or more Louisiana residents, households, or devices, or
- Derives **50%** or more of annual revenue from selling Louisiana residents' personal information.

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.
- (2) **Right to Correction:** the right to correct inaccuracies in the consumer's personal data.
- (3) **Right to Deletion:** the right to delete personal data concerning the consumer.
- (4) **Right to Data Portability:** If available in a digital format, the right to obtain the personal data in a portable and, to the extent technically feasible, readily usable format.
- (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:

- Provide consumers with a reasonably accessible and clear privacy notice containing the requisite details.
- If applicable, post the notice “NOTICE: We may sell your sensitive personal data.” or “NOTICE: We may sell your biometric personal data.”
- Conduct and document data protection assessments for higher-risk processing activities.
- Recognize universal opt-out preference signals that reflect an affirmative and unambiguous choice to opt out.
- Respond to consumer requests within **45 days**; provide notice of an extension and the appeals process, as necessary.

Recommendations for Controllers:

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

Penalties:

- The Louisiana Attorney General has exclusive enforcement authority and may pursue violations under Louisiana's Unfair Trade Practices and Consumer Protection Law (“UTPCL”). The LDPA expressly excludes private rights of action otherwise available under the UTPCL.
- The Attorney General must provide written notice at least **30 days** before initiating an investigation from **January 1, 2027 through July 31, 2027**; the Attorney General may not proceed with the investigation if the business cures the alleged violation within the **30 day** period; the cure period is no longer available after **July 31, 2027**.