

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

Applicability

The OKCDPA applies to persons or entities conducting business in Oklahoma or producing products or services targeted to consumers that either:

- Control or process the personal data of at least **100,000** consumers annually, or
- Derive at least **50%** of their gross annual revenue from the sale of personal data and control or process the personal data of at least **25,000** consumers annually.

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 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 controller without hindrance.
- (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 privacy notice that contains requisite details and is reasonably accessible and clear.
- Obtain consent to process sensitive data, including personal data of any consumers under **13**.
- Provide consumers with at least two secure and reliable methods to exercise their rights.
- Act on consumer requests within **45 days**; provide notice of an extension and the appeals process, as necessary.
- Enter into binding data processing agreements with requisite limitations for third-party processors.
- Conduct and document an impact assessment for each processing activity commencing on or after **January 1, 2027**, that poses a “heightened risk of harm” to the consumer (e.g., selling personal data, processing sensitive data, or targeted advertising or profiling with certain foreseeable risks).
- Limit processing of personal data to that which is reasonably necessary and proportionate to disclosed purposes.

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.

Penalties

- The Oklahoma Attorney General has exclusive enforcement authority and may seek injunctive relief and civil penalties **up to \$7,500 per violation**.
- There is a 30-day cure period to correct violations following notice from the Oklahoma Attorney General; the controller must provide written attestation of the cure, supporting documentation, and a commitment that no further violations will occur.