



Nevada – Notice Regarding Privacy of Personally Identifiable Information Collected on the Internet from Consumers

Notice To Nevada Consumers Subject To The Nevada law (NRS 603A.340)

(NRS 603A.340) (Added to NRS by 2017, 4078)

§ 1° Your Nevada Privacy Rights

Notice to Nevada Residents: If you are a resident of Nevada, under certain circumstances, Nevada Civil Code Section NRS 603A.340 allows you to request operators of websites not to sell your Personal Information. To make such a request, please send an email to our Privacy Group at privacy@roza.lu or legal@roza.lu (please indicate the Roza companies entity you typically do business with):

The Nevada statute applies to “covered information,” which is defined as an enumerated list of personally identifiable information about a consumer collected by an operator through a website or online service and maintained in an accessible form, including:

- I. first and last name;
- II. home or other physical address;
- III. email address;
- IV. telephone number;
- V. social security number;
- VI. identifier allowing contact (physically or online) with a specific person; or
- VII. other information concerning a person that is collected and maintained in combination with an identifier in a form that makes the information personally identifiable.

§ 2° SB-220’s Opt-Out Right

SB-220 requires operators to establish a “designated request address” – via email, toll-free phone number, or website – through which a consumer may submit a “verified request” to opt out of the “sale” of any covered information the operator has collected or will collect from a consumer in the future. In this way, SB-220 is less onerous than the CCPA, which requires covered businesses to provide a link – titled Do Not Sell My Personal Information – on the business’s website and mobile app, and in the privacy policy.

Operators must verify the authenticity of the request and identify the consumer using “commercially reasonable means.” SB-220 does not provide guidance on how such verification should be performed.

Once a verifiable request is submitted by a consumer, operators have 60 days to respond, although this timetable may be extended by up to 30 days if the operator determines an extension is reasonably necessary and provides notice to the consumer.

The obligation to honor the consumer’s opt-out request appears to apply indefinitely. Unlike the CCPA, which specifies that a business must honor the consumer’s opt-out request for at least 12



months before requesting the consumer reauthorize the sale of personal information, the Nevada statute is silent on the possibility of requesting the reauthorization of data sales in the future.

§ 3° SB-220’s Definition of “Sale”

SB-220’s definition of “sale” is far narrower in scope than the CCPA. Under SB-220, a “sale” is limited to “the exchange of covered information for monetary consideration” by the operator to a person who will “license or sell the covered information to additional persons.” There are also broad exclusions from the definition of sale, including disclosures:

- I. to persons who process covered information on behalf of the operator (similar to the service provider exclusion in the CCPA but without the contracting requirements);
- II. to affiliates that the operator controls, is controlled by, or are under common control with another company;
- III. for the purposes of providing a product or service requested by a consumer, where the consumer has a direct relationship with the entity to which the data is disclosed;
- IV. for purposes consistent with the reasonable expectations of the consumer, based on the context in which the consumer provided the information; and
- V. in connection with a merger, acquisition, bankruptcy or other transaction.

This definition is in stark contrast to the definition of “sale” under the CCPA, which includes “selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating . . . a consumer’s personal information by the Roza Group to another business or third party for monetary or other valuable consideration,” and which may include some transfers to business affiliates that do not share common branding.

§ 4° Notice Requirements

SB-220 does not introduce notice obligations beyond what is already required under Nevada law, other than to provide the designated opt-out request address. Nevada’s existing online privacy statute requires operators of websites and online services to provide notice on their websites regarding their privacy practices. Such notices must disclose the categories of personally identifiable information collected, categories of third parties with whom the information may be shared, any processes a consumer may use to review and request changes to such information, and whether any third party collects information over time and across different websites or online services.

§ 5° Additional Disclosures

Nevada law (NRS 603A.340) requires each business to establish a designated request address where Nevada consumers may submit requests directing the business not to sell certain kinds of personal information that the business has collected or will collect about the consumer. A sale under Nevada



law is the exchange of personal information for monetary consideration by the business to a third party for the third party to license or sell the personal information to other third parties. If you are a Nevada consumer and wish to submit a request relating to our compliance with Nevada law, please contact us at legal@roza.lu.

REFERENCES:

Senate Bill 220; N.R.S. 603A.300 – 603A.360