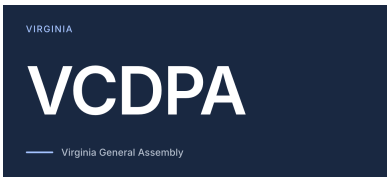
SmartSuite

Framework / Privacy / Global Privacy Regulations

Virginia Consumer Data Protection Act, Code of Virginia § 59.1-575 et seq.

The Virginia Consumer Data Protection Act (Va. Code § 59.1-575) gives consumers rights over personal data and sets controller duties the Attorney General enforces, since January 1, 2023.



What it is

The Virginia Consumer Data Protection Act (VCDPA, Code of Virginia § 59.1-575 through § 59.1-584) has applied since January 1, 2023 to persons that conduct business in Virginia or target Virginia residents and that either control or process the personal data of at least 100,000 consumers in a calendar year, or control or process the data of at least 25,000 consumers and derive over 50 percent of gross revenue from selling personal data (§ 59.1-576 A). The Attorney General of Virginia enforces it alone, after a 30-day notice and cure, with civil penalties of up to $7,500 per violation (§ 59.1-584).

At a glance

PUBLISHER
Virginia General Assembly; enforced by the Attorney General of Virginia

TYPE
Regulation

VERSION
2021 Acts of Assembly, Sp. Sess. I, cc. 35 and 36 (HB 2307 / SB 1392), Code of Virginia § 59.1-575 to § 59.1-584, as amended through 2026 c. 820

EFFECTIVE
January 1, 2023 (known-child rules January 1, 2025; § 59.1-577.1 added by 2025 c. 703; geolocation sale ban added by 2026 c. 820)

DOMAIN
Privacy

FAMILY
Global Privacy Regulations

REGION
Virginia

ADOPTION MODEL
Regulatory Compliance

IMPLEMENTATION COMPLEXITY
Medium

Source: law.lis.virginia.gov/vacode/title59.1/chapter53/

Why it matters

- **Sale means money** Only an exchange of personal data for monetary consideration by the controller to a third party is a sale; disclosures to processors, affiliates, at the consumer's request, of public information or in a merger are not (§ 59.1-575).
- **No sale of precise geolocation** Since chapter 820 of the 2026 Acts, a controller may not sell or offer for sale precise geolocation data concerning any consumer, not only a child (§ 59.1-578 A 6).
- **Known-child rules since January 1, 2025** No targeted advertising, sale or significant profiling with a known child's data, no processing beyond the disclosed purpose or longer than needed, and no precise geolocation collection without necessity and a visible signal, all subject to COPPA parental consent (§ 59.1-578 F); a data protection assessment for every online service directed to known children (§ 59.1-580 B).
- **Social media platforms and minors** A platform must use commercially reasonable methods such as a neutral age screen to identify users under 16 and limit their use to one hour per day per service unless a parent adjusts it, may not degrade or reprice service for the limit, and may use age data only for age purposes (§ 59.1-577.1, chapter 703 of 2025); check the section's enforcement status before relying on it.

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How SmartSuite supports VCDPA

Scope and Exemption Register

Record the § 59.1-576 A consumer counts and revenue share each calendar year, any subsection B exemption and the subsection C exempt data streams, with the evidence reviewed and the date.

Request and Appeal Tracker

Log access, correction, deletion, portability and opt-out requests with authentication, the 45-day deadline and single extension, the twice-yearly free count, refusal reasons and the 60-day appeal decision with the Attorney General contact route.

Sensitive Data Consent Ledger

Capture § 59.1-578 A 5 consent for each sensitive-data purpose, COPPA parental consent for known children, and the consent needed for incompatible secondary purposes.

Geolocation and Children's Data Controls

Track the § 59.1-578 A 6 ban on selling precise geolocation data and the subsection F known-child rules as tested controls in Compliance Management, with the collection signal evidence for any child geolocation.

Assessment Workbook

Keep every § 59.1-580 assessment, including the subsection B assessment for services aimed at known children, as a record of benefits weighed against risks, safeguards and sign-off that a civil investigative demand can be met from.

Processor Contract and Cure File

Keep processors in Third Party Risk Management against the § 59.1-579 B contract terms and assessor reports, and run any § 59.1-584 B notice as a case with cure actions and the express written statement.

Common framework mappings

APEC PF | CCPA/CPRA | CPA (CO) | CTDPA | GDPR | ISO 27701 | NIST Privacy Framework v1.0 | Utah UCPA

Official resources

Virginia Consumer Data Protection Act (CDPA)

Provides the official legal text defining data protection requirements in Virginia.

law.lis.virginia.gov/vacode/title59.1/chapter53

Code of Virginia § 59.1-577: Personal data rights; consumers

The consumer rights section of the Act, with the 45-day response period, the appeal process and the opt-out rights.

law.lis.virginia.gov/vacode/title59.1/chapter53/section59.1-577

CDPA Regulatory Guidance

Defines implementation and enforcement guidelines for the Virginia CDPA.

oag.state.va.us/consumer-protection

Frequently asked questions

Who must comply with the Virginia Consumer Data Protection Act?

Section 59.1-576 A applies the act to persons that conduct business in Virginia or produce products or services targeted to Virginia residents and that, during a calendar year, control or process the personal data of at least 100,000 consumers, or control or process the data of at least 25,000 consumers and derive over 50 percent of gross revenue from the sale of personal data. There is no revenue floor. Commonwealth and local government bodies, GLBA financial institutions and data, HIPAA covered entities and business associates, nonprofit organizations and institutions of higher education are exempt (§ 59.1-576 B), as are fourteen data categories listed in subsection C.

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What rights do Virginia consumers have, and how quickly must a controller answer?

Under § 59.1-577 A an authenticated consumer may confirm processing and access the data, have inaccuracies corrected, delete the data the controller holds about them from any source, take a portable copy of what they supplied, and opt out of targeted advertising, sales and profiling that produces legal or similarly significant effects. The controller has 45 days, one further 45 days on notice of the reason, and answers free twice a year (§ 59.1-577 B). A refusal must explain the reasons and the appeal route, and the appeal is decided in writing within 60 days with a way to complain to the Attorney General if denied (§ 59.1-577 C).

What counts as a sale or sensitive data under the VCDPA, and can precise geolocation data be sold?

A sale of personal data is the exchange of personal data for monetary consideration by the controller to a third party, excluding disclosures to processors, to affiliates, for a service the consumer requested, of information the consumer made public, or as part of a merger or similar transaction (§ 59.1-575). Sensitive data covers personal data that reveals racial or ethnic origin, religious beliefs, mental or physical health diagnosis, sexual orientation or citizenship or immigration status, genetic or biometric data processed to identify a person, personal data collected from a known child, and precise geolocation data within 1,750 feet; processing it requires consent (§ 59.1-578 A 5). Since chapter 820 of the 2026 Acts of Assembly, a controller may not sell or offer for sale precise geolocation data concerning a consumer (§ 59.1-578 A 6).

What does the VCDPA require for children's data and social media platforms?

Since January 1, 2025, § 59.1-578 F bars a controller from processing a known child's personal data for targeted advertising, sale or significant profiling, for purposes beyond those disclosed, or for longer than needed, and from collecting a known child's precise geolocation data unless necessary and signaled, all unless the parent consents under COPPA; § 59.1-580 B requires a data protection assessment for any online service directed to known children. Section 59.1-577.1, added in 2025, requires a social media platform to determine whether a user is under 16 by commercially reasonable methods such as a neutral age screen and to limit that user to one hour per day per service unless a parent adjusts the limit; its enforcement status should be checked before relying on it.

How is the VCDPA enforced?

The Attorney General has exclusive authority (§ 59.1-584 A) and § 59.1-584 E rules out any private right of action. Before any action the Attorney General must serve 30 days' written notice identifying the provisions at issue; if the controller or processor cures within that period and gives an express written statement that the violations are cured and will not recur, no action may be initiated (§ 59.1-584 B). A continuing violation or a breach of that statement allows an injunction and civil penalties of up to $7,500 per violation, plus reasonable expenses and attorney fees, paid into the Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund (§ 59.1-584 C and D). The Attorney General may demand data protection assessments by civil investigative demand (§ 59.1-580 D).

License included / downloadable: Yes The Code of Virginia, including Chapter 53, is free to read on the Virginia Law portal, and the acts of assembly and bill summaries are free on the Legislative Information System.

Full framework page and mappings: smartsuite.com/frameworks/virginia-cdpa-consumer-data-protection-act

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