SmartSuite

Framework / Privacy / Global Privacy Regulations

Nevada Senate Bill 220 (2019): Internet privacy, right to opt out of the sale of covered information (NRS 603A.300 to 603A.360)

Nevada SB 220 (NRS 603A.300 to 603A.360) lets Nevada consumers direct website operators and data brokers not to...



What it is

Nevada Senate Bill 220 (80th Session, 2019) is the state law codified in NRS 603A.300 to 603A.360. It gives a Nevada consumer the right to direct an operator of a commercial Internet website or online service not to sell the covered information collected about them. It requires every operator to establish a designated request address and respond to a verified request within 60 days (NRS 603A.345). It has applied since October 1, 2019. Senate Bill 260 (81st Session, 2021) extended the same opt-out duty to data brokers, widened the definition of sale and added a 30-day cure for a first failure (NRS 603A.323, 603A.333, 603A.346 to 603A.349).

At a glance

PUBLISHER Nevada Legislature; enforced by the Nevada Attorney General	TYPE Regulation	VERSION SB 220 (2019), NRS 603A.300 to 603A.360, as amended by SB 260 (2021)
EFFECTIVE October 1, 2019	DOMAIN Privacy	FAMILY Global Privacy Regulations
REGION Nevada	ADOPTION MODEL Regulatory Compliance	IMPLEMENTATION COMPLEXITY Low

Source: leg.state.nv.us/NRS/NRS-603A.html

Why it matters

- **One right, precisely defined** The statute confers a single consumer right: a verified request directing an operator or data broker not to make any sale of covered information it has collected or will collect about the consumer (NRS 603A.345(2) and 603A.346(2)).
- **A fixed response clock** An operator or data broker responds within 60 days of receipt and may extend once by no more than 30 days if reasonably necessary, notifying the consumer of the extension (NRS 603A.345(4) and 603A.346(4)).
- **A narrow definition of sale** Sale means the exchange of covered information for monetary consideration to another person; disclosures to processors, to a person with whom the consumer has a direct relationship, for purposes consistent with the consumer's reasonable expectations, to affiliates and in mergers are excluded (NRS 603A.333).
- **Notice contents fixed by statute** NRS 603A.340 lists what the privacy notice must contain, from the categories of covered information and third parties to the notice's effective date, with a small-operator exemption.

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How SmartSuite supports NV SB 220

NRS 603A Requirement Library

Load the 603A.340 notice elements, the 603A.345 and 603A.346 request duties and the 603A.338 exclusions as requirements in Compliance Management, each with an owner, implementation status and linked evidence.

Covered Information Inventory

Track in Privacy Management each category of covered information defined in NRS 603A.320 that the website or online service collects, where it is maintained and which third parties receive it, feeding the categories the 603A.340 notice must list.

Verified Request Workflow

Log each request received at the designated request address, record the commercially reasonable verification used (NRS 603A.337), the 60-day deadline, any 30-day extension and the notice sent to the consumer, and flag the consumer's covered information as not for sale.

Privacy Notice Register

Hold the current 603A.340 notice with its effective date, the categories of covered information and third parties, the review-and-change process, the cross-site tracking disclosure and the record of how material changes were announced.

Sale and Disclosure Register

Record each disclosure of covered information for monetary consideration and the 603A.333 exclusion relied on for every other disclosure, processor, direct-relationship provider, reasonable-expectation purpose, affiliate or merger, in Third Party Risk Management.

Data Broker and Cure Tracking

Where the business purchases covered information as a data broker, run the 603A.346 duties on the same workflow, and record any notice of a compliance failure with the 30-day cure deadline that 603A.347 to 603A.349 allow for a first failure.

Common framework mappings

CCPA/CPRA | CIS Controls v8.1 | COBIT 2019 | GDPR | HIPAA | ISO 27001:2022 | NIST CSF 2.0 | NIST Privacy Framework v1.0 | NIST 800-53 Rev.5 | SOC 2

Official resources

SB 220 (2019) as enrolled

The enrolled text of Senate Bill 220 of the 80th Session, which added the designated request address, the definition of sale and the right to direct an operator not to sell covered information.

archive.leg.state.nv.us/Session/80th2019/Bills/SB/SB220_EN.pdf

NRS Chapter 603A (current text)

The codified text of NRS 603A.300 to 603A.360 as amended by SB 260 (2021), including the data broker provisions and the Attorney General's enforcement section.

leg.state.nv.us/NRS/NRS-603A.html

Frequently asked questions

Who is an operator under Nevada SB 220?

A person that owns or operates an Internet website or online service for commercial purposes, collects and maintains covered information from consumers who reside in Nevada and use or visit it, and purposefully directs activities toward Nevada, transacts with the state or a resident, or otherwise has sufficient nexus with the state (NRS 603A.330(1)). Third parties that host or process on the owner's behalf, HIPAA entities, motor vehicle manufacturers and repairers handling vehicle data, and persons that do not collect, maintain or sell covered information are not operators (NRS 603A.330(2)). GLBA financial institutions and consumer reporting agencies are excluded by NRS 603A.338.

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What is covered information?

Any of the following items of personally identifiable information about a consumer, collected through the operator's website or online service and maintained by the operator or a data broker in an accessible form: a first and last name; a home or other physical address with a street and city or town; an email address; a telephone number; a Social Security number; an identifier that allows a specific person to be contacted physically or online; or any other information collected from the person through the site and held in combination with an identifier that makes it personally identifiable (NRS 603A.320).

What counts as a sale, and what is excluded?

A sale is the exchange of covered information for monetary consideration by an operator or data broker to another person (NRS 603A.333(1)). It does not include disclosure to a person who processes the information on the operator's or data broker's behalf, disclosure by an operator to a person with whom the consumer has a direct relationship to provide a requested product or service, disclosure for purposes consistent with the consumer's reasonable expectations given the context of collection, disclosure to an affiliate, or a transfer as an asset in a merger, acquisition, bankruptcy or similar transaction (NRS 603A.333(2)). SB 260 (2021) widened the definition, which under SB 220 had covered only exchanges made so the recipient could license or sell the information onward.

How must an operator handle a verified request not to sell?

Each operator establishes a designated request address, an email address, toll-free telephone number or website (NRS 603A.325), through which a consumer may at any time submit a verified request directing the operator not to make any sale of covered information it has collected or will collect about the consumer (NRS 603A.345(1) and (2)). The operator must be able to reasonably verify the request's authenticity and the consumer's identity by commercially reasonable means (NRS 603A.337). Once received, the operator may not sell that consumer's covered information and must respond within 60 days, extendable once by no more than 30 days where reasonably necessary, with notice of the extension to the consumer (NRS 603A.345(3) and (4)).

How is SB 220 enforced, and what did SB 260 (2021) change?

The Nevada Attorney General enforces NRS 603A.300 to 603A.360; the district court may issue a temporary or permanent injunction or impose a civil penalty of up to $5,000 for each violation of the notice or request provisions by an operator or data broker, the remedies are not exclusive, and there is no private right of action (NRS 603A.360). SB 260 (2021) defined data broker (NRS 603A.323), gave data brokers the same designated request address and no-sale duties (NRS 603A.346), widened the definition of sale (NRS 603A.333), moved the GLBA exclusion into the applicability section and added FCRA, fraud-prevention, public and DPPA data (NRS 603A.338), and limited the 30-day cure to a first failure (NRS 603A.347 to 603A.349).

License included / downloadable: Yes SB 220 and NRS chapter 603A are Nevada state law published free by the Nevada Legislature, which also hosts the enrolled bills; the platform links to the codified text.

Full framework page and mappings: smartsuite.com/frameworks/us-nevada-sb-220-internet-consumer-privacy-law