

Age-Appropriate Design Code and S.71 Draft 3.3	Connecticut 2025
<p>(X)(A) <b>“Biometric data”</b> means data generated from the technological processing of an individual’s unique biological, physical, or physiological characteristics that allow or confirm the unique identification of the consumer, including:</p> <ul style="list-style-type: none"> <li>(i) iris or retina scans;</li> <li>(ii) fingerprints;</li> <li>(iii) facial or hand mapping, geometry, or templates;</li> <li>(iv) vein patterns;</li> <li>(v) voice prints or vocal biomarkers; and</li> <li>(vi) gait or personally identifying physical movement or patterns.</li> </ul> <p>(B) <b>“Biometric data” does not include:</b></p> <ul style="list-style-type: none"> <li>(i) a digital or physical photograph;</li> <li>(ii) an audio or video recording; or</li> <li>(iii) any data generated from a digital or physical photograph or an audio or video recording, unless such data is generated to identify a specific individual.</li> </ul> <p><b>*same definition in H.639*</b></p>	<p>(X)(A) <b>“Biometric data”</b> means personal data generated by automatic measurements of an individual’s unique biological patterns or characteristics that are used to identify a specific individual.</p> <p>(B) <b>“Biometric data” does not include:</b></p> <ul style="list-style-type: none"> <li>(i) a digital or physical photograph;</li> <li>(ii) an audio or video recording; or</li> <li>(iii) any data generated from a digital or physical photograph, or an audio or video recording, unless such data is generated to identify a specific individual.</li> </ul>
<p>(X)(A) <b>“Collect”</b> means buying, renting, gathering, obtaining, receiving, or accessing any personal data by any means, other than such activities between a controller and a processor or between a processor and its subcontractors.</p> <p>(B) <b>“Collect”</b> includes receiving data from the consumer, either actively or passively, or by observing the consumer’s behavior.</p>	<p><i>not defined</i></p>
<p>(X) <b>“Deidentified data”</b> means data that does not identify and cannot reasonably be used to infer information about, or otherwise be linked to, an identified or identifiable individual, or a device linked to the individual, if the controller that possesses the data:</p> <p>(A)(i) takes reasonable measures to ensure that the data cannot be used to reidentify an identified or identifiable individual or be associated with an individual or device that identifies or is linked or reasonably linkable to an individual or household; and</p>	<p>(16) <b>“Deidentified data”</b> means data that does not identify and cannot reasonably be used to infer information about, or otherwise be linked to, an identified or identifiable individual, or a device linked to the individual, if the controller that possesses the data:</p> <p>(A) takes reasonable measures to ensure that the data cannot be associated with an individual;</p>

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<p>(ii) for purposes of this subdivision (A), “reasonable measures” includes the deidentification requirements set forth under 45 C.F.R § 164.514 (other requirements relating to uses and disclosures of protected health information);</p> <p>(B) publicly commits to process the data only in a deidentified fashion and not attempt to reidentify the data; and</p> <p>(C) contractually obligates any recipients of the data to comply with all provisions of this subchapter.</p>	<p>(B) publicly commits to process the data only in a deidentified fashion and not attempt to reidentify the data; and</p> <p>(C) contractually obligates any recipients of the data to satisfy the criteria set forth in subdivisions (A) and (B) of this subdivision (16).</p>
<p>(X) <b>“Derived data”</b> means data that is created by the derivation of information, data, assumptions, correlations, inferences, predictions, or conclusions from facts, evidence, or another source of information or data about a consumer’s device.</p>	<p><i>not defined</i></p>
<p>(X) <b>“Genetic data”</b> means any data, regardless of its format, that results from the analysis of a biological sample of an individual, or from another source enabling equivalent information to be obtained, and concerns genetic material, including deoxyribonucleic acids (DNA), ribonucleic acids (RNA), genes, chromosomes, alleles, genomes, alterations or modifications to DNA or RNA, single nucleotide polymorphisms (SNPs), epigenetic markers, uninterpreted data that results from analysis of the biological sample or other source, and any information extrapolated, derived, or inferred therefrom.</p>	<p><i>not defined</i></p>
<p>(X) <b>“Identified or identifiable individual”</b> means an individual who can be readily identified, directly or indirectly, including by reference to an identifier such as a name, an identification number, specific geolocation data, or an online identifier.</p>	<p>(X) <b>“Identified or identifiable individual”</b> means an individual who can be readily identified, directly or indirectly.</p>
<p>(X) <b>“Minor”</b> means any consumer who is younger than 18 years of age.</p>	<p><i>not defined</i></p>
<p>(X)(A) <b>“Personal data”</b> means any information, including derived data and unique identifiers, that is linked or reasonably linkable, alone or in combination with other information, to an identified or identifiable individual or to a device that identifies,</p>	<p>(X)(A) <b>“Personal data”</b> means any information that is linked or reasonably linkable to an identified or identifiable individual.</p>

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<p>is linked to, or is reasonably linkable to one or more identified or identifiable individuals in a household.</p> <p>(B) <b>“Personal data”</b> does not include deidentified data or publicly available information.</p>	<p>(B) <b>“Personal data”</b> does not include deidentified data or publicly available information.</p>
<p>(X) <b>“Processor”</b> means a person who collects or processes personal data on behalf of:</p> <p>(A) a controller; or</p> <p>(B) another processor.</p> <p><i>*AADC adds “(C) a federal, state, tribal, or local government entity”*</i></p>	<p>(X) <b>“Processor”</b> means a person who processes personal data on behalf of a controller.</p>
<p>(X) <b>“Profiling”</b> means any form of automated processing performed on personal data to evaluate, analyze, or predict personal aspects, including an individual’s economic situation, health, personal preferences, interests, reliability, behavior, location, movements, or identifying characteristics.</p>	<p>(X) <b>“Profiling”</b> means any form of automated processing performed on personal data to evaluate, analyze, or predict personal aspects related to an identified or identifiable individual’s economic situation, health, personal preferences, interests, reliability, behavior, location, or movements.</p>
<p>(X)(A) <b>“Publicly available information”</b> means information that:</p> <p>(i) is made available through federal, state, or local government records or to the general public from widely distributed media; or</p> <p>(ii) a controller has a reasonable basis to believe that the consumer has lawfully made available to the general public.</p> <p>(B) <b>“Publicly available information”</b> does not include:</p> <p>(i) biometric data collected by a business about a consumer without the consumer’s knowledge;</p> <p>(ii) information that is collated and combined to create a consumer profile that is made available to a user of a publicly available website either in exchange for payment or free of charge;</p> <p>(iii) information that is made available for sale;</p>	<p>(X)(A) <b>“Publicly available information”</b> means information that:</p> <p>(i) is lawfully made available through federal, state, or local government records or widely distributed media; or</p> <p>(ii) a controller has a reasonable basis to believe:</p> <p>(I) a consumer has lawfully made available to the general public; or</p> <p>(II) has been lawfully made available to the general public from widely distributed media.</p> <p>(B) <b>“Publicly available information”</b> does not include any biometric data that can be associated with a specific consumer and were collected without the consumer’s consent.</p>

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<p>(iv) an inference that is generated from the information described in subdivision (ii) or (iii) of this subdivision (44)(B);</p> <p>(v) any obscene visual depiction, as defined in 18 U.S.C. § 1460;</p> <p>(vi) personal data that is created through the combination of personal data with publicly available information;</p> <p>(vii) genetic data, unless otherwise made publicly available by the consumer to whom the information pertains;</p> <p>(viii) information provided by a consumer on a website or online service made available to all members of the public, for free or for a fee, where the consumer has maintained a reasonable expectation of privacy in the information, such as by restricting the information to a specific audience; or</p> <p>(ix) intimate images, authentic or computer-generated, known to be nonconsensual.</p> <p><b>*similar definition in H.639*</b></p>	