



# KENTUCKY

## Consumer Data Protection Act

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*Please note this is a highlighted overview and not a complete overview of privacy laws for this state. If you would like a complete review of this state's privacy laws or a multi-state privacy compliance cheat sheet on specific topics, please contact Vivien Peaden at [vpeaden@bakerdonelson.com](mailto:vpeaden@bakerdonelson.com).*

*Disclaimer: These materials do not constitute legal advice and should not be substituted for the advice of legal counsel.*

# The Kentucky Consumer Data Protection Act (Kentucky CDPA)

**Effective Date:** January 1, 2026

1. **Applicability Thresholds:** Subject to certain entity-level and data-level exemptions, the Kentucky CDPA applies to a natural or legal person conducting business in Kentucky or producing products/services that are targeted to residents of Kentucky that during a calendar year, control or process the personal data of:



**100,000+** Kentucky consumers;

or



**25,000+** Kentucky consumers **and** derive more than **50 percent of revenue** from the sale of personal data.

2. **Key Definitions:**



**Sales of Personal Data:** Narrowly defined as "the exchange of personal data for monetary consideration by the Controller to a third party" subject to a few exemptions.

3. **Business Obligations:** The Kentucky CDPA imposes additional obligations on individuals or legal entities that determine the purpose and means of processing personal information (**Controller**).



**Data Processing Agreement (DPA):** Processing activities by a supplier (known as **Processor**) shall be governed by a DPA between the Controller and Processor.



**Data Protection Impact Assessment:** Controllers must conduct and document a data protection impact assessment for certain high-risk data processing activities.



**Privacy Notice:** Yes, a Controller must provide consumers with a privacy notice.

4. **Consumer Rights:** Subject to certain exceptions, under the Kentucky CDPA, Kentucky consumers have the right to:



**Confirm** whether a Controller is processing their personal data and provide access;



**Correct** inaccuracies in their personal data;



**Delete** personal data provided by or obtained about the consumer;



**Obtain** a copy of or summary of personal data that the consumer previously provided to the Controller in a portable and readily usable format; and



**Opt-out** of targeted advertising, sales of personal data, and "profiling in furtherance of solely automated decisions that produce legal or similarly significant effects."

5. **Enforcement and Penalties:**



**Private Right of Action:** None



**Penalties:** The state attorney general has sole authority to enforce the statute, at a maximum of \$7,500 per violation.