CLIC*law*
Center for Legal Internet Compliance

Delaware Personal Data Privacy Act ("DPDPA") Compliance Snapshot

Understand the Law. Identify Your Obligations. Prepare for Compliance.

This CLIC*law* Compliance Snapshot provides a concise overview of the Delaware Personal Data Privacy Act ("DPDPA"), including its applicability, consumer privacy rights, key business obligations, third-party requirements, enforcement provisions, and compliance considerations.

Designed as a practical reference for businesses, the snapshot helps organizations understand the law's principal requirements, evaluate potential applicability, and identify areas that may require additional compliance planning or operational review.

Use this snapshot as a starting point for understanding Delaware's privacy requirements and determining whether further assessment, implementation, or legal guidance is needed.

DISCLAIMER

These materials are provided for informational and compliance support purposes only and are not intended as legal advice. Use of these materials does not establish an attorney-client relationship.

Organizations are responsible for evaluating applicable legal requirements and should consult qualified legal counsel regarding specific obligations.

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DELAWARE PERSONAL DATA PRIVACY ACT (DPDPA)

2026 COMPLIANCE SNAPSHOT

Effective January 1, 2025 | Updated October 16, 2026

The Delaware Personal Data Privacy Act (DPDPA) establishes consumer privacy rights and compliance obligations for organizations that collect, use, or disclose personal data of Delaware residents. Significant amendments enacted in 2026 will expand the law's requirements, with key provisions effective **January 1, 2027**.

01 APPLICABILITY

Which Organizations May Be Covered?

CURRENT — THROUGH DECEMBER 31, 2026

- Control or process the personal data of at least 35,000 Delaware residents in a calendar year; or
- Control or process personal data of at least 10,000 Delaware residents and derive more than 20% of gross revenue from the sale of personal data.

BEGINNING JANUARY 1, 2027 (AMENDED THRESHOLDS)

- Control or process the personal data of at least 10,000 Delaware residents in a calendar year; or
- Control or process personal data of at least 5,000 Delaware residents and derive more than 20% of gross revenue from the sale of personal data.
- Certain third parties that acquire personal data from controllers will also be covered.

Nonprofits and certain other organizations and data types are exempt. Additional provisions apply to specific activities.

02 DELAWARE RESIDENT RIGHTS

What Rights Do Consumers Have?

- **Confirm** — Consumers can confirm whether an organization is processing their personal data.
- **Access** — Consumers can access their personal data.
- **Correct** — Consumers can correct inaccuracies in their personal data.
- **Delete** — Consumers can delete their personal data, subject to certain exceptions.
- **Data Portability** — Consumers can obtain a copy of their personal data in a portable format.
- **Opt-Out** — Consumers can opt out of:
  - The sale of personal data; and
  - Processing for targeted advertising.
- **Automated Decision Protections (Effective Jan. 1, 2027)** — Consumers will have the right to opt out of certain profiling and automated decisions that produce legal or similarly significant effects.

03 KEY BUSINESS OBLIGATIONS

What Must Covered Organizations Do?

- **Privacy Notices** — Provide clear and accessible privacy notices that meet DPDPA requirements.
- **Consumer Rights Process** — Establish and maintain a reasonable process to receive, verify, and respond to consumer requests.
- **Data Protection Assessments** — Required for controllers that process personal data of at least 100,000 Delaware residents, subject to specified exclusions.
- **Data Minimization** — Collect, use, and retain only personal data that is reasonably necessary and proportionate.
- **Security Safeguards** — Implement and maintain reasonable administrative, technical, and physical safeguards.
- **Contracts** — Use written contracts with service providers that include required terms.

04 SENSITIVE DATA AND 2027 AMENDMENTS

What Additional Requirements Apply?

- **Sensitive Data** — Includes data revealing race or ethnicity, religious beliefs, health data, sex life or sexual orientation, precise geolocation, biometric data, and other categories. Additional restrictions apply to the processing and sale of sensitive data.
- **Biometric Data** — Specific requirements apply to biometric data, including consent, notice, and retention limits.
- **Precise Geolocation** — Subject to additional protections under the 2026 amendments.
- **Expanded Protections (Effective Jan. 1, 2027)** — The 2026 amendments enhance protections for sensitive data, expand consumer rights related to automated decision-making, and extend certain obligations to third parties that acquire personal data from controllers.

05 SERVICE PROVIDERS, CONTRACTORS & DATA SALES

What Requirements Apply to Third Parties?

- **Service Providers and Contractors** — Use written contracts with required terms, including limitations on processing, security requirements, and assistance with consumer requests.
- **Third-Party Due Diligence (Effective Jan. 1, 2027)** — Controllers must conduct due diligence on third parties that receive personal data and take reasonable steps to ensure compliance.
- **Sale of Personal Data** — The DPDPA defines "sale" broadly. Consumers can opt out, and additional restrictions apply to the sale of sensitive data.

06 ENFORCEMENT

How is the Law Enforced?

- Enforced by the Delaware Attorney General.
- No private right of action.
- Civil penalties of up to $10,000 per violation.
- Opportunity to cure is discretionary. The mandatory cure period ended December 31, 2025, and the Attorney General has discretion over whether to provide an opportunity to cure.

Prepare Now for Delaware's Privacy Requirements.

Explore CLICLaw's Privacy Compliance Solutions for assessments, procedures, checklists, and documentation tools.

Explore Privacy Compliance Solutions →

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Practical Solutions. Greater Compliance.

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