

**367.3615 Consumer rights request -- Controller compliance -- Requirements -- Appeal process.**

- (1) A consumer may invoke the consumer rights authorized pursuant to this section at any time by submitting a request to a controller, via the means specified by the controller pursuant to KRS 367.3617, specifying the consumer rights the consumer wishes to invoke. A child's parent or legal guardian may invoke such consumer rights on behalf of the child regarding processing personal data belonging to the child.
- (2) A controller shall comply with an authenticated consumer request to exercise the right to:
  - (a) Confirm whether or not a controller is processing the consumer's personal data and to access the personal data, unless the confirmation and access would require the controller to reveal a trade secret;
  - (b) Correct inaccuracies in the consumer's personal data, taking into account the nature of the personal data and the purposes of processing the data;
  - (c) Delete personal data provided by or obtained about the consumer;
  - (d) Obtain a copy of the consumer's personal data that the consumer previously provided to the controller in a portable and, to the extent technically practicable, readily usable format that allows the consumer to transmit the data to another controller without hindrance, where the processing is carried out by automated means. The controller shall not be required to reveal any trade secrets; and
  - (e) Opt out of the processing of personal data for purposes of targeted advertising, the sale of personal data, or profiling in furtherance of decisions that produce legal or similarly significant effects concerning the consumer.
- (3) Except as otherwise provided in KRS 367.3611 to 367.3629, a controller shall comply with a request by a consumer to exercise the consumer rights pursuant to this section as follows:
  - (a) A controller shall respond to the consumer without undue delay, but in all cases within forty-five (45) days of receipt of the request submitted pursuant to the methods described in this section. The response period may be extended once by forty-five (45) additional days when reasonably necessary, taking into consideration the complexity and number of the consumer's requests, so long as the controller informs the consumer of any extension within the initial forty-five (45) day response period, together with the reason for the extension;
  - (b) If a controller declines to take action regarding the consumer's request, the controller shall inform the consumer without undue delay, but no later than forty-five (45) days after receipt of the request, of the justification for declining to take action and instructions on how to appeal the decision;
  - (c) Information provided in response to a consumer request shall be provided by a controller free of charge, up to twice annually per consumer. If requests from a consumer are excessive, repetitive, technically infeasible, or manifestly unfounded, the controller may charge the consumer a reasonable fee to cover the administrative costs of complying with the request or decline to act on the

request. The controller bears the burden of demonstrating the excessive, repetitive, technically infeasible, or manifestly unfounded nature of the request;

- (d) If a controller is unable to authenticate the request using commercially reasonable efforts, the controller shall not be required to comply with a request to initiate an action under subsection (1) of this section and may request that the consumer provide additional information reasonably necessary to authenticate the consumer and the consumer's request; and
  - (e) A controller that has obtained personal data about a consumer from a source other than the consumer shall be deemed in compliance with a consumer's request to delete such data pursuant to subsection (2)(c) of this section by:
    - 1. Retaining a record of the deletion request and the minimum data necessary for the purpose of ensuring the consumer's personal data remains deleted from the business' records and not using the retained data for any other purpose pursuant to the provisions of KRS 367.3611 to 367.3629; or
    - 2. Opting the consumer out of the processing of the personal data for any purpose except for those exempted pursuant to KRS 367.3613.
- (4) A controller shall establish a process for a consumer to appeal the controller's refusal to take action on a request within a reasonable period of time after the consumer's receipt of the decision pursuant to subsection (3)(b) of this section. The appeal process shall be conspicuously available and similar to the process for submitting requests to initiate action pursuant to this section. Within sixty (60) days of receipt of an appeal, a controller shall inform the consumer in writing of any action taken or not taken in response to the appeal, including a written explanation of the reasons for the decisions. If the appeal is denied, the controller shall also provide the consumer with an online mechanism, if available, or other method through which the consumer may contact the Attorney General to submit a complaint.

**Effective:** January 1, 2026

**History:** Created 2024 Ky. Acts ch. 72, sec. 3, effective January 1, 2026.