

367.3623 De-identifiable data requirements -- Construction -- Limitation of consumer rights on pseudonymous data -- Controller oversight of de-identifiable or pseudonymous data.

- (1) The controller in possession of de-identified data shall:
 - (a) Take reasonable measures to ensure the data cannot be associated with a natural person;
 - (b) Publicly commit to maintaining and using de-identified data without attempting to re-identify the data; and
 - (c) Contractually obligate any recipients of the de-identified data to comply with all provisions of KRS 367.3611 to 367.3629.
- (2) Nothing in KRS 367.3611 to 367.3629 shall be construed to require a controller or processor to:
 - (a) Re-identify de-identified data or pseudonymous data; or
 - (b) Maintain data in identifiable form, or collect, obtain, retain, or access any data or technology, in order to be capable of associating an authenticated consumer request with personal data.
- (3) Nothing in KRS 367.3611 to 367.3629 shall be construed to require a controller or processor to comply with an authenticated consumer rights request pursuant to KRS 367.3615 if:
 - (a) The controller is not reasonably capable of associating the request with the personal data or it would be unreasonably burdensome for the controller to associate the request with the personal data;
 - (b) The controller does not use the personal data to recognize or respond to the specific consumer who is the subject of the personal data, or associate the personal data with other personal data about the same specific consumer; and
 - (c) The controller does not sell the personal data to any third party or otherwise voluntarily disclose the personal data to any third party other than a processor, except as otherwise permitted in this section.
- (4) The consumer rights contained in KRS 367.3615 shall not apply to pseudonymous data in cases where the controller is able to demonstrate any information necessary to identify the consumer is kept separately and is subject to appropriate technical and organizational measures to ensure that the personal data is not attributed to an identified or identifiable natural person.
- (5) A controller that discloses pseudonymous data or de-identified data shall exercise reasonable oversight to monitor compliance with any contractual commitments to which the pseudonymous data or de-identified data is subject and shall take appropriate steps to address any breaches of those contractual commitments.

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