

Pennsylvania House Passes Consumer Data Privacy Act (HB 78)

By **Stephenie G. Anderson Scialabba**

On October 1st, the Pennsylvania House of Representatives passed HB 78, the Consumer Data Privacy Act, which was co-authored by Eckert Seamans Attorney and State Representative Stephenie Scialabba, for the second consecutive legislative session. Pennsylvania has been making headlines for its recent focus on digital rights and obligations in the new marketplace, having passed similar legislation last year in the form of HB1201, among a flurry of other bills regulating artificial intelligence and grinch bots, incentivizing data center construction in the Commonwealth, and most recently, attempting to create a private right of action for victim of a data breach.

If enacted, HB 78 creates Pennsylvania's first comprehensive framework governing how businesses collect, use, and protect the personal data of state residents, bringing the Commonwealth's residents one step closer to codifying privacy rights that resemble those of Virginia and Connecticut.

House Bill 78 now heads to the Pennsylvania Senate for consideration. We will continue to monitor the progress of this important legislation.

What HB 78 Means for Your Business

HB 78 follows the model of privacy laws adopted in other states but sets relatively low jurisdictional thresholds, potentially expanding its application to organizations that have not previously faced consumer privacy regulation. The law applies to for-profit businesses that determine the purpose and means of processing personal data ("Controllers") and:

- generate more than \$10 million in annual gross revenue;
- annually buy, receive, sell or share for commercial purposes, alone or in combination, the personal information of at least 50,000 consumers, households or devices; or
- derive at least 50% of annual revenues from selling consumers' personal information.

The bill also applies to those entities that control or share common branding with those businesses as well as those that process data on their behalf ("Processors"). Controllers and Processors must enter into a data processing agreement that outlines, limits and requires confidentiality for data involved in processing activities.

Once in effect, HB 78 would grant Pennsylvania consumers significant rights over their personal information—including the rights to access, correct, delete, and obtain a copy of their data, and to opt out of targeted advertising or the sale of personal data. Businesses would need to maintain transparent privacy practices and policies, respond to consumer requests within 45 days and provide a clear appeals process for denied requests.

HB 78 also requires opt-in consent before processing sensitive information such as health, biometric, or precise geolocation data, as well as certain information protected by the Pennsylvania Breach of Personal Information Notification Act and imposes variable enhanced protections for minors under ages 13 and 16. Businesses will be required to limit their data collection to what is necessary for disclosed purposes, conduct risk-based data protection assessments, and maintain “reasonable and appropriate” technical and organizational security measures.

Enforcement and Risk

The Pennsylvania Attorney General will have exclusive enforcement authority under the bill. There is no private right of action, meaning individuals cannot directly sue businesses for alleged violations. However, violations may be treated as “unfair or deceptive acts or practices” under the state’s consumer protection law. The bill includes a 60-day cure period to address alleged violations before enforcement actions proceed. Given the legislature’s recent passage of HB997 that creates a private right of action for consumers affected by a data breach, this is an area to watch as the bill moves through the Senate.

Key Takeaways

- **Broader scope:** Because of its low thresholds, HB 78 may reach businesses that have not previously been subject to data privacy laws.
- **Operational impact:** Compliance will likely require updates to privacy notices, consent processes, vendor contracts, and internal data governance procedures.
- **No private lawsuits—but reputational risk remains:** While consumers cannot sue under HB 78, failure to comply can still lead to enforcement, reputational damage, and loss of customer trust.
- **Alignment with other laws:** The bill includes a mix of institutional and data level exemptions for entities governed by federal regimes like HIPAA and GLBA, as well as for nonprofits and certain educational institutions.

Recommended Next Steps

1. **Determine applicability.** Review whether your business meets the law’s revenue or data-processing thresholds.
2. **Conduct a privacy gap analysis.** Identify areas where current policies, notices, and vendor practices fall short of the bill’s requirements.
3. **Prepare operational updates.** Develop or refine procedures for handling data access, deletion, and correction requests; establish an internal appeals process; and ensure opt-out mechanisms are user-friendly.
4. **Assess risk and readiness.** Consider data mapping and risk assessments for high-impact processing activities such as profiling, targeted advertising, or data sharing.
5. **Monitor developments.** The Senate may amend HB 78 before passage—continued tracking is critical to anticipate compliance obligations.

HB 78 represents a significant step toward a comprehensive privacy regime in Pennsylvania and signals growing momentum for stronger data protection nationwide. Businesses that take early steps to assess impact and plan for compliance will be better positioned to adapt quickly and minimize disruption.

If you would like a detailed compliance roadmap or assistance evaluating how HB 78 may affect your organization, our privacy and cybersecurity team is available to help.



This Cybersecurity, Data Protection & Privacy Update is intended to keep readers current on developments in the law. It is not intended to be legal advice. If you have any questions, please contact [Stephenie G. Anderson Scialabba](mailto:sscialabba@eckertseamans.com) at 412.566.2041 or sscialabba@eckertseamans.com, or any other attorney at Eckert Seamans with whom you have been working.