

McIntosh Examines New Texas Privacy Law and its Effect on Wearables in *The Texas Lawbook*

In the News

02.06.2024

Stinson LLP Of Counsel [Jennifer McIntosh, CIPP](#) authored a column for *The Texas Lawbook*, "What to Know About Wearables for the New Texas Privacy Act," providing insight on the Texas Data Privacy and Security Act (TDPSA) and impending new state privacy laws.

McIntosh says the TDPSA, though it draws heavily on the Virginia Consumer Data Protection Act, is at points more aggressive and protective of Texas consumers, as well as broadly applied to nearly anyone conducting business in Texas and processing Texans' personal data, without a need for financial or processing thresholds for application.

"There are hooks in the Texas law that make it more comprehensive in parts than even California's law, the venerable California Consumer Protection Act," she writes. "In Texas, controllers must delete basically all data on a consumer, not just what is collected directly from the consumer. And while Texas small businesses are exempt from the law, if the small business sells sensitive data, that exemption does not apply." The TDPSA goes into effect July 1, 2024. McIntosh notes that businesses have until Jan. 1, 2025, to comply with the universal opt-out mechanism, which allows customers to set privacy preferences once, delivering a 'do not sell' message to each site making a data request.

McIntosh also offers recommendations for companies involved in wearable technology development and marketing. "Whether your company makes wearables, designs apps or sells data, it's important to be aware of the risks," she writes. "Each year brings new, exciting wearable tech to market. Now that privacy laws are starting to catch up, it's time to make sure that compliance is up to date."

McIntosh has over 20 years of experience applying privacy, cybersecurity, intellectual property, internet and consumer protection laws to business activities. She also frequently handles commercial litigation cases, including complex contract and licensing disputes, patent litigation, business torts and regulatory

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investigations defense.

[Read](#) the full column.

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