Categories of Sensitive Data for U.S. State Privacy Laws

CATEGORY	CA[i]	CO[ii]	CT	DE	IN	IA	KY	MD	MN	MT	NE	NH	NJ	OR	RI	TN	TX	UT	VA
Racial or ethnic origin	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
National origin	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗	✗	✗	✗	✓	✗	✗	✗	✗	✗
Religious beliefs	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Philosophical beliefs	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Mental or physical health diagnosis	✗	✓	✓	✓	✗	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓
Mental or physical health condition	✗	✓	✓	✓	✗	✗	✗	✗	✓	✓	✗	✓	✓	✓	✓	✗	✗	✓	✗
Mental or physical health treatment	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗	✗	✗	✗	✗
Mental or physical disability	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Medical history	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✓	✗
Medical treatment or diagnosis by a health care professional	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✓	✗
Mental or physical health diagnosis made by a health care provider	✗	✗	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Sexual orientation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓
Sex life	✓	✓	✓	✓	✗	✗	✗	✓	✗	✓	✗	✓	✓	✗	✓	✗	✗	✗	✗
Sexuality	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
Status as transgender or nonbinary	✗	✗	✓	✓	✗	✗	✗	✓	✗	✗	✗	✗	✓	✓	✗	✗	✗	✗	✗

troutman pepper locke

Categories of Sensitive Data for U.S. State Privacy Laws

CATEGORY	CA[i]	CO[ii]	CT	DE	IN	IA	KY	MD	MN	MT	NE	NH	NJ	OR	RI	TN	TX	UT	VA
Citizenship or immigration status	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Citizenship or citizenship status	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Genetic or biometric data for purposes of uniquely identifying an individual	✓[iii]	✓	✗	✗	✓	✓	✓	✗	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓
Genetic or biometric data[iv]	✗	✗	✗	✓	✗	✗	✗	✓	✗	✗	✗	✗	✗	✓	✗	✗	✗	✗	✗
Genetic or biometric data or information derived therefrom	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Personal data of known child	✓[v]	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓
Personal data from individual controller has actual knowledge or willfully disregards is a child	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Precise geolocation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Consumer health data	✓	✗	✓	✗	✗	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Status as victim of crime	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗	✗	✗	✗
Social Security, driver's license, state identification card, or passport #	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗

troutman
pepper locke

Categories of Sensitive Data for U.S. State Privacy Laws

CATEGORY	CA[i]	CO[ii]	CT	DE	IN	IA	KY	MD	MN	MT	NE	NH	NJ	OR	RI	TN	TX	UT	VA
Government-issued identification #, including, but not limited to, Social Security #, passport #, state identification card # or driver's license #, that applicable law does not require to be publicly displayed	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Account log-in, financial account, debit card, or credit card number in combination with any required security or access code, password, or credentials allowing access to an account	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Union membership	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Contents of a consumer's mail, email, and text messages unless the business is the intended recipient of the communication	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Financial information, which shall include a consumer's account number, account log-in, financial account, or credit or debit card number, in combination with any required security code, access code, or password that would permit access to a consumer's financial account	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗	✗	✗	✗	✗

David M. Stauss | troutmanprivacy.com | Last updated: September 16, 2025 |

troutman
pepper locke

Categories of Sensitive Data for U.S. State Privacy Laws

CATEGORY	CAi	COii	CT	DE	IN	IA	KY	MD	MN	MT	NE	NH	NJ	OR	RI	TN	TX	UT	VA
Financial account number, financial account log-in information or credit card or debit card number that, in combination with any required access or security code, password or credential, would allow access to a consumer's financial account	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Biological data (including neural data)vi	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Neural data	✓	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗

i Pursuant to CCPA § 1798.121(d), sensitive personal information that is collected or processed without the purpose of inferring characteristics about a consumer is not subject to the right to limit use and disclosure of sensitive personal information and shall be treated as personal information.

ii Pursuant to Colorado Privacy Act Rule 6.10, controllers also must obtain consent to process sensitive data inferences, which are inferences made by a controller based on personal data, alone or in combination with other data, which are used to indicate an individual's racial or ethnic origin; religious beliefs; mental or physical health condition or diagnosis; sex life or sexual orientation; or citizenship or citizenship status.

iii California's definition does not state that genetic data must be used for purposes of uniquely identifying an individual.

iv Delaware, Maryland, and Oregon's definitions of sensitive data do not state that biometric data must be used to identify individuals. However, this requirement is found in each law's definition of biometric data.

v In its 2025 rulemaking, the California Privacy Protection Agency added this as a category of sensitive personal information. Specifically, the regulation states: "Personal information of consumers that the business has actual knowledge are less than 16 years of age. A business that willfully disregards the consumer's age shall be deemed to have had actual knowledge of the consumer's age."

vi "Biological data" means data generated by the technological processing, measurement, or analysis of an individual's biological, genetic, biochemical, physiological, or neural properties, compositions, or activities or of an individual's body or bodily functions, which data is used or intended to be used, singly or in combination with other personal data, for identification purposes. "Biological data" includes neural data.