

CALIFORNIA CONSUMER PRIVACY ACT

Compliance Guide

Scope

- Does business in California; and
- Gross revenue of \$26,625,000/year; or
- Buy, sell, share Personal Information of 100K consumers/households; or
- 50% of annual revenue from selling/sharing Personal Information.

Exemptions

- Health information covered under certain federal and state health laws;
- Activities related to credit by consumer reporting agencies;
- Information covered by GLBA;
- And more.

Definitions

Personal Information

Information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household. (Includes employees and B2B data.)

Service Provider

Entity that processes Personal Information on behalf of a Business pursuant to a written contract that prohibits the entity from selling or sharing the Personal Information, using it for any purpose outside the business relationship, and combining it with Personal Information it receives from other entities.

Business

For-profit legal entity that collects Personal information and determines the purposes and means of processing of consumers' Personal Information.

Consumer

A natural person who is a California resident (including employees).

Third-Party Management

- Must have specific contract with service providers.
- Review contracts for possibility of a "sale" under the law.
- Review ad-tech arrangements.

Privacy Notice

- Present at time of collection.
- Specific information about sale and share for targeted advertising.
- Specific information about financial incentives.



DATA
INVENTORY

PRIVACY
NOTICES

PRIVACY
RIGHTS

THIRD-PARTY
MANAGEMENT



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Data Minimization

- Determine business purpose for collection.
- Use/disclose only for identified purpose or compatible purposes.
- Retain only as long as necessary for those purposes.

Children's Data

- COPPA rules apply.
- Parental consent for sale/sharing of children's Personal Information (U13).
- Individual consent for sale/sharing of Personal Information of those between 13-16 years-old.

Privacy Rights

Right to Access/Know

Right to Delete

Right to Opt-Out (limit)

Right to Correct

**Right to
Non-Discrimination**

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- "Your Privacy Choices" button on home page, with icon OR "Do Not Sell or Share My Personal Information" and "Limit the Use of My Sensitive Personal Information" links
- Two methods to submit requests (may include toll-free number).
- Must verify identity for access, deletion, correction.
- 10 business days to acknowledge access delete, correct requests.
- 45 days to respond to access, deletion, correction requests.
- One 45-day extension (when necessary).
- 15 days to respond to opt-out.
- Must honor universal opt-out mechanisms.

Additional Obligations

- Training for employees who handle consumer inquiries.
- Reasonable security measures.
- Metrics for Businesses that process the personal information of 10M+ CA residents per year.
- Periodic risk assessments (TBD by CPPA regulations).

Enforcement

- Enforcement agencies: California Privacy Protection Agency (CPPA) and state attorney general.
- Unintentional violation: \$2,663 per.
- Intentional violation: \$7,988 per.
- Violation affecting Minors: \$7,988 per.



**WE
CAN
HELP!**

Conduct/Update
a data
inventory

Update your
privacy
notices

Establish/Update
Privacy
Rights Program

Review
third-party
contracts



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