

SCOPE AND APPLICABILITY

Applies to "businesses" (for-profit companies) that do business in CA and collect and maintain PI from CA residents.

A business is covered if:

- annual gross revenues of \$25+ million; or
- PI of 100,000+ CA residents or households, annually; or
- 50%+ of annual revenues from selling CA residents' PI

Doesn't apply to data regulated by federal and state financial and health privacy laws.

Excludes non-profits

Covers Employee Data

RESPONSIBILITIES

Notice



Notify of Rights



Training



Prohibition on Discrimination for Exercising Rights

Data Processing Agreements



Privacy Risk Assessments

- risk of harm
- targeted ads
- profiling/ADMT
- sensitive data
- sale of data



Automated Decision-Making Technology (ADMT)

Significant decisions require human review and special notice to individuals



Dark Patterns
Not considered valid consent



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PERSONAL INFORMATION (PI)

PI is info that identifies or could reasonably be linked to a particular consumer or household.



Sale
any transfer of PI for monetary or other valuable consideration



Sharing
any transfer of PI for cross-context behavioral ads



CALIFORNIA CONSUMER PRIVACY ACT

INDIVIDUAL RIGHTS

Right to Know



Right to Correction



Right to Deletion



Right to Data Portability



Right to Opt Out

- targeted ads
- sale or sharing of data
- profiling



Right to Limit
Limit disclosure or use of sensitive PI to what is necessary



Right to Opt In for Children's PI
< age 13 – parent/guardian must opt in
age 13-16 – consumer must opt in



SENSITIVE PERSONAL INFORMATION

Opt-out + privacy risk assessment to process (most states require opt-in)

Racial or Ethnic Origin



Child's Personal Data



Philosophical Beliefs

Religious Beliefs



Genetic or Biometric Data



Neural Data



Mental or Physical Health Condition or Treatment



Health



Precise Geolocation



Sexual Orientation + Sex Life



Gov't IDs



Citizenship or Immigration Status



Financial Info



Union Membership



Mail, Email, Texts



ENFORCEMENT

Enforced by the CA Privacy Protection Agency (CPPA)



Civil penalties:

- up to \$2,500 per violation
- up to \$7,500 per intentional violation



Private right of action only for data breaches involving PI.





Privacy+Security
Training by Prof.
Daniel Solove

This whiteboard is available online at
www.teachprivacy.com/ccpa-whiteboard

CCPA Section 1798.135(a)(3): Businesses must “ensure that all individuals responsible for handling consumer inquiries about the business’s privacy practices or the business’s compliance with this title are informed of all requirements in Section 1798.120 and this section and how to direct consumers to exercise their rights under those sections.”



See our CCPA training

www.teachprivacy.com/ccpa-training

Contact Us: inquiry@teachprivacy.com