California Consumer Protection Act (“CCPA”)

Jacki Monson, JD
Subcommittee on Privacy, Confidentiality and Security

September 14, 2018
Background

• Dubbed the GDPR of CA
• Desire to give consumers more privacy rights and transparency
• Non profits are mostly excluded
• Already request to amend being reviewed by CA Governor
Who does it apply to?

For profit business entities in CA that:

- Gross revenue of 25 million dollar or more
- Receives or share more than 50,000 consumers, households, or devices
- More than 50% of revenue from the sale of PHI

Exception for HIPAA, CMIA (California Medical Information Act), GLBA (Gramm Leach Bliley Act) statues
Highlights of CCPA

• Gives consumers ownership, control and security of their personal information

• Personal information definition: identifies, relates to, describes, is capable of being associated with, or could be reasonably linked, directly or indirectly, with a particular consumer or household

• Consumers are given rights to:
  • Access report
  • Remove or erase data from business systems
  • Opt out of sell of data at any time

• Opt in consent requirements
  • Consent required to prior to any sale of PHI including minors
  • Only access for opt in every 12 months if consumer exercises rights
Highlights continued

• Business required to post details on website or other public means how they’re using or not using consumer data for rolling 12 months and opt out instructions

• Businesses will have to develop processes and procedures to accommodate all consumer rights including data mapping / access reports

• Requirements for businesses to reasonably safeguard consumer data

• Significant damage implications for business if fail to comply (enforced by CA AG)

• Consumers have a private right of action but it’s limited ($100 to $750 per violation)

• Fines for business $7500 per violation

• Compliance required by Jan. 2020