

California Consumer Protection Act (“CCPA”)

Jacki Monson, JD
Subcommittee on Privacy, Confidentiality and Security

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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 then 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