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# The CCPA Has Arrived..... Now What?

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# Learning Outcomes

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- **Challenges with CCPA Compliance** – understand the internal issues that companies attempting to comply with CCPA are facing. Develop a better understanding of the practical challenges that the CCPA poses for businesses.
- **California Attorney General Regulations** – learn of new requirements instituted by the California AG in the proposed regulations. Also, examine outstanding “big picture” questions raised by the regulations.
- **What’s Next?** – understand potentially more stringent privacy laws on the way. Learn of other states which may be implementing privacy laws, and status of federal privacy framework.

# Audience Participation

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1. Does the CCPA Apply?
2. Extent of Compliance?
3. Progress Made / Work Left?
4. Compliance with Non-CA Regulations?





# CCPA Challenges

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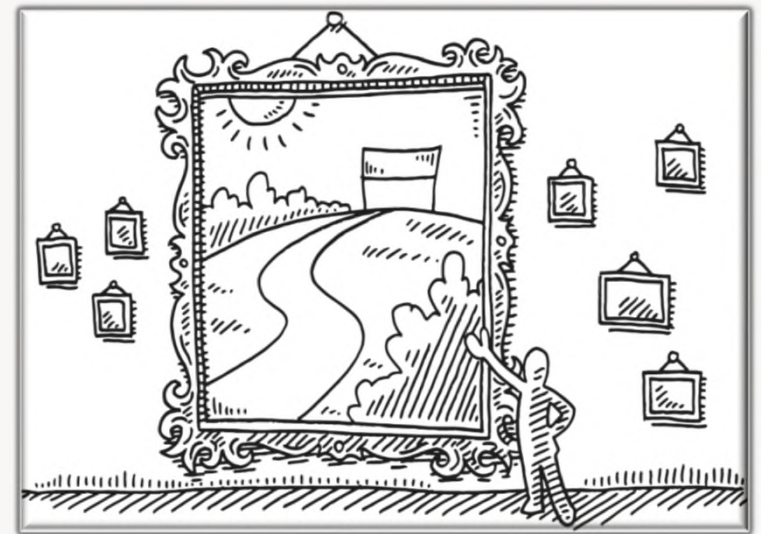
# CCPA Challenges - Internal

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1. Handling of Consumer Requests
  - ✓ Pre-determine workflow for handling requests
  - ✓ Ensure enterprise-wide conversation occurs to respond appropriately
2. Determine Category of Requestor
  - ✓ Consumer request form should require choosing a category
  - ✓ Open lines of communication with HR to easily confirm requestor as employee, past employee, applicant
3. Locating Personal Information / Data
  - ✓ Map your data, and understand what servers must be searched to locate data
  - ✓ Follow strict data retention policy to limit the amount of information kept

# CCPA Challenges – Big Picture

1. How is Term “Sale” Defined?
  - ✓ Understand that “sale” is defined much more broadly in CCPA than typical definition
  - ✓ Analyze whether disclosure of data would be considered a “sale” under the CCPA
2. What does “Reasonable Security” Mean?
  - ✓ Retain outside technical expert to annually audit systems, provide recommendations (best via counsel)
  - ✓ Choose an established framework that fits well with your business and meet the standards
3. The Moving Target of the CA AG Regulations
  - ✓ Keep abreast of the changes to the CCPA via the CA AG regulations
  - ✓ Be nimble enough to handle “pivots” in the law



# California Attorney General Regulations

REGULATIONS

RULES - LAW

REQUIREMENTS

**COMPLIANCE**

STANDARDS

TRANSPARENCY

POLICIES

# California Attorney General Proposed Regulations – New Requirements

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1. Disclosure Requirements for Businesses that Collect PI of 4M+ Consumers
2. Acknowledgement within 10 Days
3. “Do Not Sell” within 15 Days
  - Advise vendors within 90 days
4. Obtain consumer consent to use PI for non-disclosed purpose
5. Maintain record logs for 2 years



# California Attorney General Proposed Regulations – Bigger Issues

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1. When will regulations be finalized?
2. Will they change?
3. Retroactivity to 1/1/20 – how comply?
4. No definition / guidance on “reasonable security”.



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# What's Next?

# What's Next - California

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1. California Privacy Rights and Enforcement Act (CPREA)
  - Alastair Mactaggart
  - Ballot measure in November 2020
2. More restrictions on sale of health PI and location data
3. Increased fines for privacy violations of children
4. Creation of a new state agency to enforce privacy regulations
  - California Privacy Protection Agency
  - Replace AG enforcement authority

# What's Next – Other States

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1. States rapidly moving towards privacy regulation
2. A few states have passed privacy frameworks
  - CA, NV, Maine
3. Many others have pending privacy laws
  - FL, HI, IL, MA, MN, NE, NH, NY, SC, VA, WA
4. Good news – hard to imagine more burdensome than CCPA

# What's Next – National Privacy Standard

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1. Both parties agree that national privacy standard needed
2. Key sticking points
  - Private Right of Action?
  - Federal Preemption?
3. Corporate America pushing hard for national standard
4. Timing?

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**Questions?**



## Contact Us

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View our Cyber page to learn more:

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# Thank You!

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