

California Consumer Privacy Act (CCPA)

Fast Facts



What Is CCPA?

- ✓ CCPA is a California law that applies to companies providing goods or services to California residents. That includes:
 - Companies outside of California
 - Third party vendors
 - Entities controlled by or sharing branding with covered entities
- ✓ CCPA takes effect in January 2020, but consumers can exercise their rights regarding personal information collected in the prior 12 months.
- ✓ Required regulations to clarify and enforce CCPA have not been enacted. The deadline for regulations being drafted by the California Attorney General is July 1, 2020.
- ✓ CCPA contains a private right of action for up to \$750 per individual per incident. This private right of action is limited to data breaches.

What Are Consumers Privacy Rights?

CCPA is comprehensive data privacy law that provides consumers with rights they must be notified about:

- ✓ Right to Notice – *Consumers can request what information is collected & how it is used.*
- ✓ Right to Request & Receive Disclosures – *Consumers can request disclosures.*
- ✓ Right to Deletion – *Consumers can request to have personal information deleted.*
- ✓ Right to Opt Out (opt in for children under 16) – *Consumers can request to opt out of the sale of personal information.*
- ✓ Right to Data Portability – *Consumers can request a copy of personal information in a usable format.*
- ✓ Right to Exercise Privacy Rights – *Businesses can't discriminate against consumers based on their privacy requests.*

A "consumer" who has rights under the CCPA is "a natural person who is a California resident."

Who Needs To Comply?

CCPA Applies to For-Profit Business:

- ✓ Located in OR outside of California doing business with California residents.
- ✓ Collecting or controlling personal information (which identifies or could be linked to a consumer or household).
- ✓ Which meet **at least one** of the following criteria:
 1. Earns annual gross revenue in excess of \$25 million (not limited to California-related transactions).
 2. Annually obtains personal information on 50,000+ consumers, households, or devices.
 3. Derives 50% or more of annual revenue from selling data.

What Are CCPA's Requirements?

- ✓ Privacy Policy
- ✓ Specific Disclosures
- ✓ Limits on Data Salability
- ✓ Employee Training
- ✓ Respond to Consumer Requests
 - Provide at least two methods for consumers to submit requests.
 - Provide requested information within 45 days (can get one 45-day extension when "reasonably necessary").
 - Disclosure must cover preceding 12-month period.
 - Disclosure must be free of charge.
 - Disclosure be portable and in a readily useable format.

How Do I Prepare for Data Privacy Law or Regulation?

Being the process of mapping your company's data.

- ✓ What data do you collect about consumers?
- ✓ How is the data used?
- ✓ Who is the data shared with (and what is their data privacy policy)?
- ✓ Where is the data stored and how is it protected?
- ✓ How long is the data kept?
- ✓ What is the process for deleting the data?
- ✓ What is response plan for a data security incident or breach

How Do I Get More Information?
www.alta.org/dataprivacy

DOES CCPA APPLY TO YOU? FIND OUT BY TAKING THE CCPA TEST!

QUESTION 1
Does my business do anything with California residents (including employees)?

IF YES CONTINUE →

QUESTION 2
Is my business for-profit?

IF YES CONTINUE →

QUESTION 3
Does any one of the following apply to my business:

- Has \$25 million+ annual revenue
- Receives or shares for a commercial purpose 50,000+ pieces of personal information annually
- Derives 50% or more of annual revenue from selling personal information

IF YES THEN
Consult regulatory counsel on compliance with CCPA

LEARN MORE AT: ALTA.ORG/DATAPRIVACY

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