



# NEW CPRA RULES SUBCOMMITTEE

LYDIA DE LA TORRE  
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# CPPA



# STATUS UPDATE



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- Our SC is meeting weekly and working on related topics throughout the week.
- We have invited:
  - CA OAG rulemaking specialist to better understand process, documentation and other related requirements for the rulemaking;
  - The Executive Director to discuss resources and issues to consider when it comes to cybersecurity audits, risk assessments and the agency's auditing authority.
- Our SC is also consulting relevant literature on topics assigned to the subcommittee and discussing different approaches to these issues.



# TOPICS FOR INFORMATIONAL HEARINGS

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# AUTOMATED DECISION MAKING

- Our SC is tasked with issuing rules regarding opt-outs and disclosures for **automated decision making (including profiling)**
  - See Cal. Civ. Code. Sec.1798.185(a)(16); 1798.140(z)
- An informational hearing addressing the points below would be valuable to our SC:
  - Definitions, harmonization with domestic and global frameworks, industry standards and other best practices to ensure accountability and transparency in automated decision making

**END OF PRESENTATION**



# SUPPLEMENTAL MATERIALS

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# Topics Assigned to New CPRA Rules Subcommittee

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# NEW CPRA RULES SUBCOMMITTEE 1/2

Section	Topic	Description
1798.185(a)(15)(A)	Cybersecurity audits	Regulations governing annual cybersecurity audit of high-risk businesses defining <i>“the scope of the audit and establishing a process to ensure that audits are thorough and independent.”</i>
1798.185(a)(15)(B)	Risk assessments	Regulations governing risk assessments. The risk assessment goal is to “restrict[] or prohibit[] the processing [of personal information] if the risks to privacy of the consumer” outweigh the benefits to various parties.



# NEW CPRA RULES SUBCOMMITTEE 2/2

<b>Section</b>	<b>Topic</b>	<b>Description</b>
1798.185(a)(16); 1798.140(z)	Automated decision making	Regulations governing opt-out rights in the context of “automated decisionmaking technology, including profiling.” The language contemplates regulations “requiring” businesses to respond to access requests with “meaningful information about the logic involved in . . . decision making processes” and a “description of the likely outcome” with respect to the requesting consumer.
1798.185(a)(18)	Agency’s audit authority	Issue regulations addressing the “scope and process” of the agency’s audit authority, in part to protect consumers’ information from disclosure in the absence of a warrant or other authorization.
TBD	TBD	Other rulemaking as assigned by the Board