


How the CCPA Interacts with Personal Information Data Flows

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“Business”

“Business” means :

- FOR-PROFIT Entity
- Does business in California
- Collects and processes consumers’ personal information
- AND one of the following criteria:
 - Has annual gross revenues in excess of \$25 million
 - Deals with the personal information of 100,000 or more consumers or households (previously 50,000)
 - Derives 50 percent or more of its annual revenues from selling or sharing consumers’ personal information.

“Personal Information”

“Personal information” means information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household. Includes things like:

- Identifiers
- Products or services used
- Biometric information
- Internet activity
- Geolocation data.
- Professional, employment info
- Education information
- Audio, electronic, visual info
- Inferences
- Sensitive personal information (separately defined)

Does NOT include:

- Public Info
- Deidentified or aggregate consumer information

Key Aspects of the CCPA

CCPA

(in effect now)

Right to Delete

Right to Know

Right to Equal Service
(non-discrimination)

Right to Opt-Out of the Sale of
Personal Information

CPRA Amendments

(effective 1/1/23)

Expanded Right to Opt-Out of the
Sharing of Personal Information

Right to Correct Inaccurate
Information

Right to Limit Use/Disclosure of
Sensitive Personal Information

Data Minimization and Purpose
Limitations

Required Disclosures

Privacy Policy

Categories of personal information business collects, why, who it is shared with

Description of CCPA rights and how to exercise them

Reporting metrics for those collecting personal information from $\geq 10M$ consumers

Notice at Collection

Business must inform "***at or before the point of collection***"

Categories of personal information it is collecting and purposes why.

Can't collect or use for additional purposes.

Opt-Out links

"Do Not Sell or Share My Personal Information"

"Limit the Use of My Sensitive Personal Information"

Alternative Opt-Out Link

Notice of Financial Incentive

Incentive or price/service difference tied to collection, sale/sharing, or retention of personal information

Must provide a notice explaining the material terms

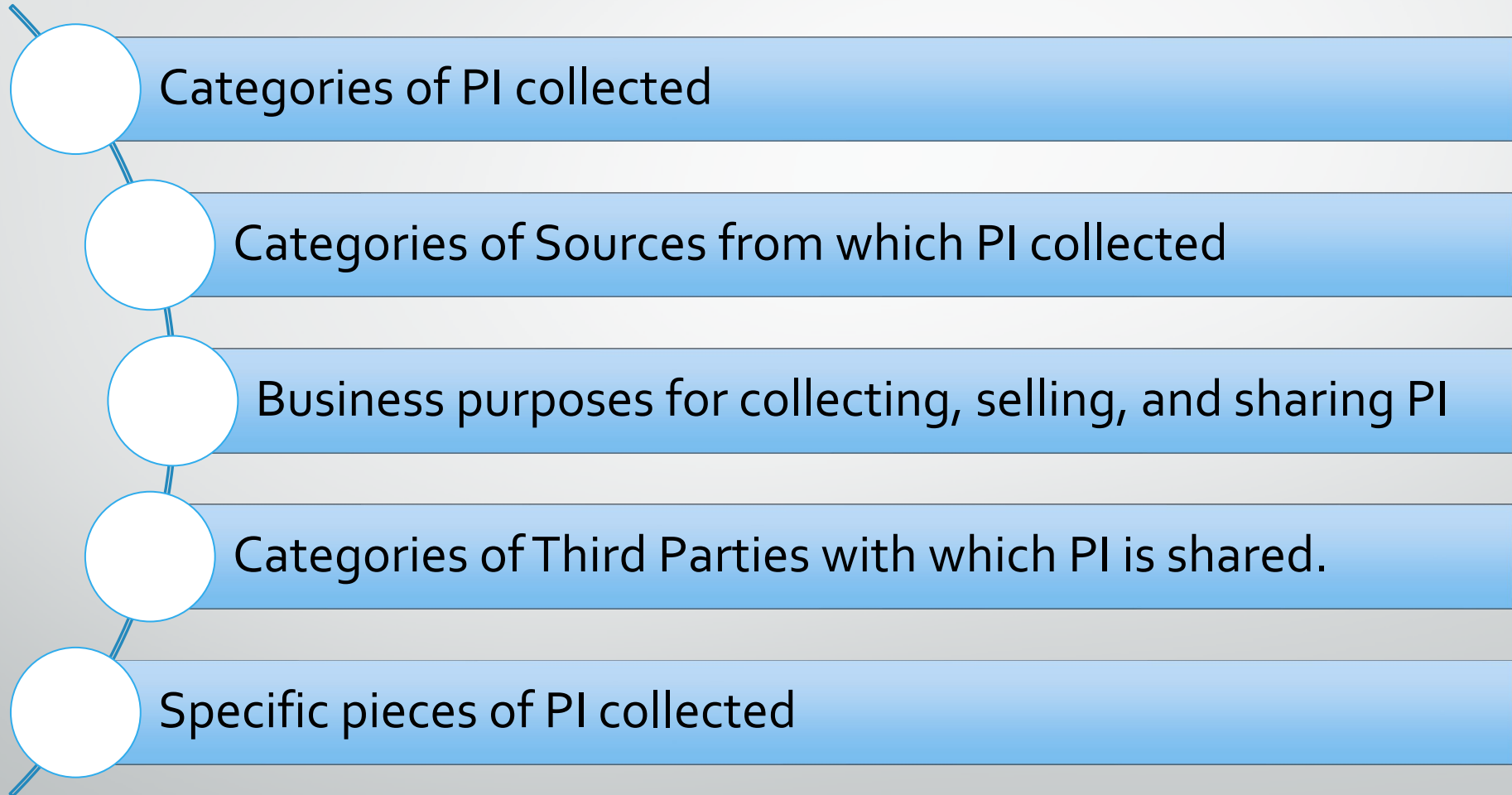
Right to Delete

PI collected *from* the Consumer

Statutory Exceptions

- Necessary to provide good/service
- Security/Fraud Prevention
- Debug
- Free Speech
- CalECPA
- Comply with legal obligation
- Solely internal uses, reasonably expected by consumer
- Catchall “compatible” use

Right to Know



Right to Equal Service (Non-Discrimination)

- Shall not discriminate against a consumer because they exercised CCPA rights
 - *Denying* goods or services to the consumer
 - Charging or providing different rates or quality of goods or services
- Unless... different level or quality is “reasonably related” to the value provided to the business by the consumer’s data

Right to Opt-Out of Sale

No Verification Needed

Broad Definition of "Sale"

- "Sell," "selling," "sale," or "sold," means selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a consumer's personal information by the business to another business or a third party for monetary or other valuable consideration.

Do Not Sell My Personal Information link

Opt-In Requirement for under 16 y/o

Right to Opt-Out of Sale or SHARING

No Verification Needed


Broad Definition of "Sale"

- "Sell," "selling," "sale," or "sold," means selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a consumer's personal information by the business to another business or a third party for monetary or other valuable consideration.
- **"Share," "shared," or "sharing" means sharing,** renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a consumer's personal information by the business to a third party **for cross-context behavioral advertising, whether or not for monetary or other valuable consideration.**

Do Not Sell or Share My Personal Information link

Opt-In Requirement for under 16 y/o

Right to Correct



Applies to inaccurate personal information maintained by the business

Business shall use commercially reasonable efforts to correct the inaccurate information

Regulations to flush out the details

Right to Limit

Right to Limit the Use and Disclosure of Sensitive Personal Info

Statutory Exceptions

- Necessary to provide good/service reasonably expected by consumer
- Security/Fraud Prevention
- Ensure physical safety of natural persons
- Short-term, transient use, including non-personalized advertising
- Internal business uses (e.g., maintaining or servicing accounts, etc.)
- Quality or safety of good/service

Data Minimization & Purpose Limitations

Collection, Use, Retention, and Sharing shall be...

- Reasonably necessary and proportionate
- To achieve the purposes for which the PI was collected/processed
- OR for disclosed purpose that is COMPATIBLE with the context in which the PI was collected

Contract required for selling and sharing of PI

- Purpose specified
- Obligates third party, service provider, or contractor to comply with CCPA
- Business has rights to ensure compliance