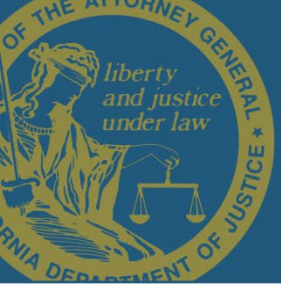


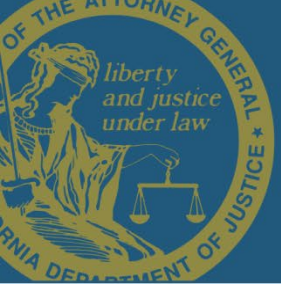
The seal of the California Department of Justice is visible in the background. It features a central figure holding a scale of justice and a sword, with the text "liberty and justice under law" and "OFFICE OF THE ATTORNEY GENERAL" and "CALIFORNIA DEPARTMENT OF JUSTICE" around the perimeter.

Opt-Out Preference Signals & the CCPA

Office of the Attorney General
California Department of Justice

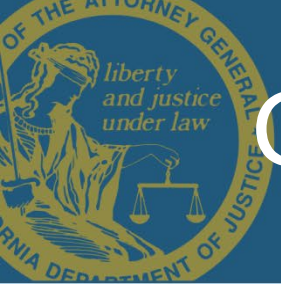


This presentation reflects the views of the presenter. It may not reflect the views of the State of California or the Attorney General.



Key Takeaways

- Operationalize the opt-out for consumers.
- Stopping the sale of info was intended to be easy.
- Offering consumers a global option facilitates the submission of an opt-out request.
- The AG is actively enforcing the CCPA.

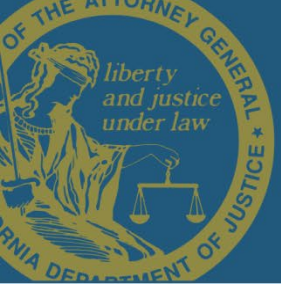


Goal of AG Regs: Operationalize

- (a) On or before July 1, 2020, the Attorney General shall solicit broad public participation and adopt regulations to further the purposes of this title, including, but not limited to, the following areas:

(4) Establishing rules and procedures for the following:

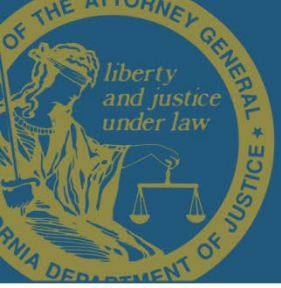
- (A) To facilitate and govern the submission of a request by a consumer to opt-out of the sale of personal information pursuant to Section 1798.120.
- (B) To govern business compliance with a consumer's opt-out request.



Hallmark of CCPA

(a) A consumer shall have the right, at any time, to direct a business that sells personal information about the consumer to third parties not to sell the consumer's personal information. This right may be referred to as the right to opt-out.

Special Protections for MINORS <16

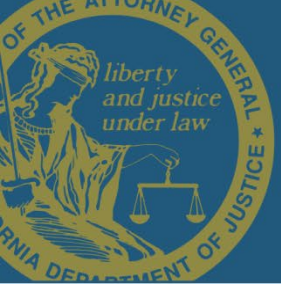


Enforcement Expertise

CalOPPA § 22575(a)(5). Disclose how the operator responds to Web browser “do not track” signals or other mechanisms that provide consumers the ability to exercise choice regarding the collection of personally identifiable information about an individual consumer’s online activities over time and across third-party Web sites or online services, if the operator engages in that collection.

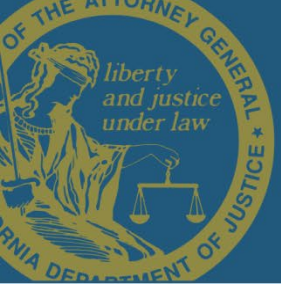
Do Not Track Signals

Your device may be able to send web browser signals know as “Do Not Track” signals indicating your desire to disable tracking on a website. We do not respond to DNT signals, so we may not be aware of, or may be unable to respond to, such signals.



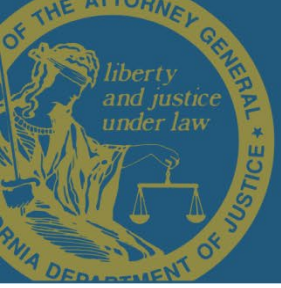
999.315. Requests to Opt-Out

- (c) If a business collects personal information from consumers online, the business shall treat user privacy controls, such as a browser plug-in or privacy setting, device settings, or other mechanism, that communicate or signal the consumer's choice to opt-out of the sale of their personal information as a valid request submitted pursuant to Civil Code section 1798.120 for that browser or device, or, if known, for the consumer.
- (1) Any privacy control developed in accordance with these regulations shall clearly communicate or signal that the consumer intends to opt-out of the sale of personal information. **easy.**
 - (2) If a global privacy control conflicts with a consumer's **minimal.** specific privacy setting or their participation in a business's financial incentive program, the business shall respect the global privacy control but may notify the consumer of the conflict and give the consumer the choice to confirm the business-specific privacy setting or participation in the financial incentive program. **soon.**



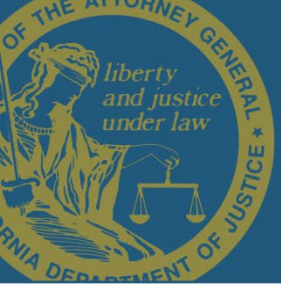
Privacy-by-Design Control

- (1) Any privacy control developed in accordance with these regulations shall clearly communicate or signal that a consumer intends to ~~the~~ opt-out of the sale of personal information. ~~The privacy control shall require that the consumer affirmatively select their choice to opt-out and shall not be designed with any pre-selected settings.~~
- (2) If a global privacy control conflicts with a consumer's existing business-specific privacy setting or their participation in a business's financial incentive program, the business shall respect the global privacy control but may notify the consumer of the conflict and give the consumer the choice to confirm the business-specific privacy setting or participation in the financial incentive program.



Final Statement of Reasons

- forward-looking
- encourage innovation for technological solutions to facilitate and govern the submission of requests to opt-out.
- offer consumers a global choice, as opposed to going
 - website-by-website
 - browser-by-browser
 - for each and every device



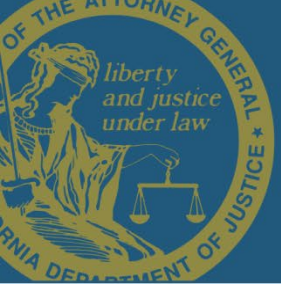
Enforcement Case Examples

Manufacturer and Retailer Stopped Selling Personal Information

Industry: Consumer Electronics

Issue: Sales of Personal Information

A business that sells electronics maintained third-party online trackers on its retail website that shared data with advertisers about consumers' online shopping. The business neither imposed a service provider contractual relationship on these third parties, nor processed consumers' requests to opt-out that were submitted via a user-enabled global privacy control, e.g., a browser extension that signaled the GPC. After being notified of alleged noncompliance, the company worked with its privacy vendor to effectuate consumer opt-out requests and avoid sharing personal information with third parties under conditions that amounted to a sale in violation of the CCPA.



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