



CALIFORNIA PRIVACY PROTECTION AGENCY BOARD

2101 Arena Boulevard
Sacramento, CA 95834

MEMBERS OF THE BOARD

Jennifer M. Urban, Chairperson
Lydia de la Torre, Board Member
Vinhcent Le, Board Member
Angela Sierra, Board Member
J. Christopher Thompson, Board Member

FINDING OF NECESSITY FOR JULY 28, 2022 SPECIAL MEETING

On July 28, 2022, the California Privacy Protection Agency Board (“Board”) held a special public meeting, under authority of Government Code 11125.4.

Pursuant to Government Code 11125.4(c), the Board unanimously adopted the following factual findings:

Finding One: The Board finds that providing 10-days’ advance notice of this meeting would pose a substantial hardship on the Board and that immediate action is required by the Board to protect the public interest, in that the House of Representatives of the United States Congress is actively pursuing a bill, the American Data Protection and Privacy Act, that seeks to preempt much of the California Consumer Privacy Act of 2018, as amended by the California Privacy Rights Act of 2020, and that would have substantial effects on California law and its protections for Californians, and that similar bills may be under development in the United States House of Representatives and the United States Senate.

Finding Two: The Board finds that the United States House of Representatives advanced the American Data Protection and Privacy Act out of the Energy and Commerce Committee last week.

Finding Three: The Board finds, that if the Board had to wait a full 10 days to meet to discuss and provide guidance on this legislation, the Board could be deprived of the ability to timely take guidance from staff on the effect of this federal legislation on California law, Californians, and the Agency, and to deliberate and provide timely direction to Agency staff regarding the Agency’s position or positions and guidance to Congress on the legislation.

Finding Four: The Board finds that if it is not able to meet prior to Congress taking further steps to advance the American Data Protection and Privacy Act or similar legislation, California law could be severely affected, Californians’ privacy rights could be compromised, and the public interest could be harmed.

Finding Five: Based on these facts and circumstances, insufficient time exists for the Board to provide 10 days’ advance notice of this Special Meeting, and meeting upon shortened notice is necessary and proper.

Accordingly, the Board unanimously approved a motion to adopt the above factual findings and to determine that: (1) providing 10 days' advance notice pursuant to Government Code section 11125 would impose a substantial hardship on the Board; (2) immediate action is necessary protect the public interest; and (3) it is necessary and proper to proceed with the Special Meeting pursuant Government Code section 11125.4, subdivision (c).