Present: BRIAN SOUBLET, General Counsel
LISA KIM, Department of Justice, Deputy Attorney General
ASHKAN SOLTANI, Executive Director
TRINI HURTADO, Moderator
CHRIS THOMPSON, Board Member

Public Speakers: Luigi Mastria, AdChoices
Joel Odelson
Ben Medina
Alistair Mactaggart
Justin Brookman
Bud Tender
Yadi
Sani Brosig

Transcribed by: Marion G. Santiago
eScribers, LLC
Phoenix, Arizona
Oakland, California
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9:00 a.m.

AMENDED TRANSCRIBED RECORDED PUBLIC MEETING

August 25, 2022

MR. SOUBLET: Good morning, and thank you for being here. On behalf of the California Privacy Protection Agency I would like to welcome you to today's hearing regarding proposed regulations implementing the California Privacy Rights Acts -- California Consumer Privacy Act.

My name is Brian Soublet, and I'm the acting General Counsel of the California Privacy Protection Agency. I will be the hearing officer for today's proceedings.

Also present here today with me are Lisa Kim from the Department of Justice, and Ashkan Soltani, the Executive Director for the CPPA. Ms. Trini Hurtado will be serving as our timekeeper today.

For the record, today is August 25th, 2022, and the time is 9:02 a.m. We are at the Elihu M. Harris State Building, located at 1515 Clay Street, Oakland, California.

MR. SOLTANI: Brian, one second. There seems to be low audio. We'll turn up the input volume for --
you hit, basically (indiscernible), yeah. Turn it up.

And to the court reporter, how is that audio?

MR. COURT REPORTER: It's still pretty low. It's low for you as well, Mr. Soltani.

MR. SOLTANI: Okay. If I speak up here, is it louder?

MR. COURT REPORTER: That's better, yes.

MR. SOLTANI: Okay. And Brian, if you can speak up as well.

MR. SOUBLET: Testing, testing.

MR. COURT REPORTER: Okay.

MR. SOLTANI: Great. Thank you for that clarification.

MR. SOUBLET: For the record, today is August 25th, 2022, and the time is 9:02 a.m. We are at the Elihu M. Harris State Building, located at 1515 Clay Street, Oakland, California.

This hearing is being conducted both in person and virtually due to COVID-19 restrictions. Before we begin, there are a few points I'd like to make.

The Notice of Proposed Rulemaking for the CPPA regulations was published in the California Regulatory Notice Register on July 8th, 2022, in Register number 27-Z, starting at page 770. The notice and related rulemaking documents were posted on the Agency's
website on July 8th, 2022, and emailed to all interested parties who had requested rulemaking notices.

Today is the second day of the public hearings that were announced in the notice. The deadline for submitting written comments closed on August 23rd, 2022, at 5:00 p.m. But those who have written comments that they would like to submit may email them to the comment -- you may email comment to regulations@cppa.ca.gov before the end of this hearing.

We recently posted additional resources on our website about the Agency's CCPA rulemaking processes, including two documents in PDF format, entitled "Tips on Submitting Effective Comments" and "Information About the Rulemaking Process". Please visit our website at cppa.ca.gov.

Today's hearing is quasi-legislative in nature, and is being held pursuant to the California Administrative Procedures Act. The California Administrative Procedures Act specifies that the purpose of this hearing is to receive public comments pertaining to the proposed regulations.

If you are speaking today, we ask that you limit your comments to the proposed regulations or the rulemaking procedures we are following. We do not
intend to answer questions or otherwise engage in a
dialogue in response to any oral or written comment.
However, we may ask that you speak slower or louder, or
ask a limited follow-up question just to clarify our
point.

Today's hearing is being recorded and will be
transcribed by a court reporter. The transcript of the
hearing, and any written comments presented during the
hearing, will be made part of the rulemaking record.
Please try your best to speak slowly and clearly to
help the court reporter create the best possible
record.

After the public comment period ends, the Agency
will review and consider all relevant comments and
recommendations provided at the public hearings and in
writing. The Agency will then compile a summary of
each relevant comment or recommendation, and prepare a
response to it, which will be included in the Agency's
final statement of reasons.

Once the final statement of reasons is complete,
the entire rulemaking record will be submitted to the
Office of Administrative Law and a copy of the final
statement of reasons along with a notification of any
changes that were made to the proposed regulations will
also be posted to the Agency's website.
We will notify all persons who provided a comment, and all those otherwise interested, of any revisions to the proposed regulations, and any new material relied on in proposing these rules.

Accordingly, we have a check-in table outside the room for speakers who are here present. You may also sign in to speak without providing your name or contact information. However, please note that we will not then be able to provide you with notice of any revisions or other rulemaking materials. If you previously RSVP'd on line or here in person and provided your email address, you will automatically be included in our mailing list.

For those attending virtually and haven't signed up, but would like to be notified via our emailing list, please go to our website. Again, that's cppa.ca.gov, click on contact us, and then click on sign up to the mailing list to add yourself to the rulemaking proceedings mailing list.

If you are attending virtually and would like to comment, please use the raise hand feature. We will call your name, and you will be unmuted and prompted to speak. Again, if you would like to be identified, state and spell your name and your organization. If you do not want to give your name, you can use an
appropriate pseudonym.

Attendees who did not RSVP will be given a chance to speak after we make it through (indiscernible). If you are participating by phone, you can raise your hand by pressing star 9. Once you are called on, you can also toggle to mute or unmute by pressing star 6.

Each speaker will have five minutes to speak. To assist the speakers, Ms. Hurtado will alert the speaker when they only have 30 seconds left to speak. In the interest of time, if you agree with comments that were made by a prior speaker, please state that and add any new information that you may want to present.

Also, there is no need to repeat or read aloud any written comments already submitted. All comments, whether written or oral, will be responded to by our office.

If we have time remaining after all of the speakers have had a turn, we will give the speakers an opportunity to take a second turn to add to their remarks.

Lastly, if we have to take breaks, we will make an announcement and return promptly at the time that we said. At this time, we welcome your comments.

Ms. Hurtado, please call on our first speaker. We have one speaker with their raised hand -- with their
hands raised, sorry.

MS. HURTADO: Okay. Our first speaker is Luigi Mastria. Mr. Mastria, you've been unmuted. You now have five minutes to speak. Your time begins now.

MR. MASTRIA: Thank you very much. My name is Lou Mastria. That's L-O-U, M-A-S-T-R-I-A. I'm the President and CEO of the Digital Advertising Alliance. We are a nonprofit organization that runs the popular AdChoices program. Thank you for giving me a moment to speak on this very important initiative in California.

On behalf of the Digital Advertising Alliance, we'd like to provide the following additional comments in response to the CPFA's July 8th request for public comment on the text of the proposed regulations to implement CPRA.

We are concerned that several provisions in the proposed regulations contravene clear text of CPRA. We also believe that the Agency has underestimated the cost it will accrue from the new and, in some cases, yet unclear requirements set for in the proposed roles.

We and the companies which participate under the DAA principles, many of whom do substantial business in California, strongly believe consumers deserve meaningful privacy protections supported by reasonable laws, as well as responsible industry policies.
We ask the Agency to explore a public-private partnership, so that experience, effective, efficient processes such as the DAA Zone AdChoices program, which is already available to millions of consumers on the market, can be leveraged as part of the companies' responses to CPPA regulations.

This action addresses the Agency's multifaceted needs in our minds to provide rapid scale and the need to provide cost effectiveness, while allowing consumers to make informed decisions and benefit from database services available on the internet.

Many of the proposed regulations today focus on gatekeeper functionality, while instead we are for privacy control solutions, which any company of any size can put into the hands of consumers today.

Instead of using the still-young Agency's resources on developing novel regimes and visual signifiers to replace existing, well-placed, well-deployed tools and techniques, we would encourage you to partner with industry as a way of delivering on your pro-consumer mission in a more rapid and efficient fashion.

As a nonprofit with more than a decade of experience, and catering to tens of millions of consumers who have made privacy choices through our
web, app, and now our new identifier-based platforms, we have both the pedigree and the reach to assist in the Agency's work. We ask that you explore such a partnership with DAA.

Thank you for this opportunity to speak, and I look forward to continuing to participate in any way that we can.

MR. SOUBLET: Thank you.

MS. HURTADO: Our next speaker is Joel Odelson. Mr. Odelson, you've been unmuted. You now have five minutes to speak. Your time begins now.

MR. ODELSON: Hello, can you hear me?

MS. HURTADO: Yes.

MR. ODELSON: All right. Thank you very much for allowing me to speak today. My name is Joel Odelson. I am a chief information security officer. As a part of my role as a CISO, it is to protect the confidentiality, integrity, and availability of systems not only for my companies, but I also help out other companies on a nonprofit basis.

I'm speaking here today, and I can't see everybody on the panel, but I'd like to know by the show of hands, how many of you have tried to actually use your rights under CCPA, for the right to get the information which a company has on you, or the right to be
forgotten. Have any of you done that yourselves? Have
gone through the process? With any company? Okay.

I just wanted to give you an experience what I had
just recently as I was trying to do this with NBC, a
major corporation here in the United States, and a
global corporation.

I filled out the forms. I got the responses back
from them. They, of course, wanted me to multifactor
to prove that I was who I said I was. So over 15
minutes ago I sent the request to get the multifactor
via my email. I have yet to receive the multifactor in
my email, and there is only a 15-minute window in which
they give me to enter my multifactor authentication
that they sent me via email.

The point that I'm trying to make here is,
although you're implementing this law, right, I would
wish that you would follow more of a GDPR-style law,
where I have to opt in before a company can take my
data.

And the reason is, that because I find it nearly
impossible as a citizen, and talking to other citizens
in California and their constituents, to actually get
these companies to follow along with processing GDPR
requests. So if a company like NBC Universal is having
difficulty doing it, imagine the smaller companies who
probably won't be able to do it.

My request is that this is my data, this is my personal information. I do not want a company to be able to have the right to scrape up information and sell my information. Just yesterday alone, I had 16 real estate agents call me. And when I asked them where they got my information, not one of them was willing to give me that information.

So what I'm saying is, it's nearly impossible to use what you have enabled today. I appreciate the sentiment behind what you're trying to do, but at least my experience in trying to invoke my rights under CCPA seems nearly impossible. And the fact that there is really no punishment or (indiscernible) associated with these companies basically using my identity and taking my personal information without my permission, I don't think the law is strong enough as it is.

And I'll yield back the rest of my time.

MS. HURTADO: Thank you very much. Our next speaker is Ben Medina. Mr. Medina, you have been unmuted. You have five minutes to speak. Your time begins now.

MR. MEDINA: Good morning, everybody. Thank you for allowing me to speak this morning. My name is Ben Medina. I work at the San Juan Capistrano Chamber of
Commerce, home of the Swallows, a famous (indiscernible) Capistrano (indiscernible). I'm calling today on behalf of the San Juan Capistrano Chamber, and we represent more than 2,000 businesses here in south Orange County.

The majority of our members are small and medium-sized businesses that continue to have growing concerns about the privacy regulations and --

MS. HURTADO: Mr. Medina -- excuse me, Mr. Medina. Are you using a cellphone?

MR. MEDINA: Yes, I am.

MS. HURTADO: Because you're coming over a little garbled. We can't understand.

MR. MEDINA: I'll go ahead and switch to a non-Bluetooth.

(Audio interference.)

MR. SOUBLET: We can pause his time.

MS. HURTADO: We paused your time.

MR. MEDINA: Can you hear me now?

MS. HURTADO: Very low.

MR. MEDINA: Is that better?

MS. HURTADO: Yes.

MR. MEDINA: Okay. I'm calling in today on behalf of the San Juan Capistrano Chamber of Commerce, representing more than 2,000 businesses here in south
Orange County. The majority of our members are small to medium-size businesses, who continue to have growing concerns about data privacy regulations that this Board is currently considering, including its impact on its business operations that must be addressed before it's too late.

While the protection of consumer privacy is important, there must be a more balanced approach to assure that California's small to medium-size businesses aren't left behind in these regulations as they are developed and implemented.

For example, our organization has been meeting with state organizations about the threat of these new regulations that pose judicial tools and services that we use to reach our customers. If CPPA goes too far in regulating the internet, then small businesses will not have the ability to compete with large retail companies that are able to spend billions in advertising.

We urge the CPPA to analyze the proposed regulations to consider whether the new restrictions will have an impact on the ability of small businesses to continue to use the internet as a low cost and an effective advertising solution alternative to mass media.

San Juan Capistrano businesses are very proud and
continue to evolve to meet the needs of California consumers during these times of post-pandemic inflation, supply chain disruptions, and so on. But hamstringing small business communities by implementing costly and complex, and ever-changing regulations will cause irreparable harm at this time, when businesses, small and medium, can least afford it.

I respectfully ask the Board to take a much closer look at how small to medium size businesses across California could be impacted by the regulations that you are considering.

Thank you for your time today. And I look forward to working with the Board in the future on this important issue.

MS. HURTADO: Thank you so much. Our next speaker is Justin Brookman. Mr. Brookman, you've been unmuted. You have five minutes to speak. Your time begins now.

MR. BROOKMAN: Thank you. Can you hear me?

MS. HURTADO: Yes.

MR. BROOKMAN: Thank you, great. My name is Justin Brookman. I am Director of Technology Policy for Consumer Reports. I am also a participant in the Global Privacy Control project. Global Privacy Control is a web-based signal that can be sent to universally exercise opt-out right. It was the subject of an
enforcement action by Attorney General Bonta just
yesterday, resulting in a 1.2 million dollar settlement
with Sephora for failure to adhere to GPC signals.

We filed detailed comments on the proposed
regulations on Tuesday. I want to just briefly
summarize some of the points that we made.

In general, we were very supportive of the draft
regulations. We thought they were very thoughtful, did
a great job with balancing the interests of various

stakeholders.

A couple of areas where we specifically want to
urge the Agency to not to resist making changes. One,
on Global Privacy Controls, the current draft
regulations say that they are mandatory. I think there
is some ambiguity in the text of the CPRA about when
they are required. But I think section 135(e) of the
CPRA is quite clear that no matter how companies chose
to comply with section 135, that they are required to
adhere to GPC signals.

If the GPC signals are not mandatory, I think that
opt-out rights are not going to be usable or workable
in California. I agree with the comments from the
previous commentor, I think Mr. Odelson, who talked
about the practical difficulties in opting out one by
one. This echoes some of the research that Consumer
Reports. We published a study on the CCPA, where we
crowdsourced people to try to exercise opt-out rights
in California.

People found that even exercising one right was
incredibly tedious, confusing; people did not
understand how to do it. The CPRA intends to require
people to adhere to GPC signals. And so I strongly
urge the Commission to support the draft regulations,
which clarify that for companies.

The other piece I want to urge to maintain, I
thought that the provisions on consent were very
strong. We've seen, in response to laws like the CCPA
and the GDPR, companies use a variety of dark patterns
to try to simulate consent, where people have to click
okay, and do not understand what they have agreed to.
I thought that the language that was included in the
draft regs was very thoughtful, and did a great job of
laying out requirements for consent to be valid.

I also wanted to urge the Commission not to delay
implementation of the CPRA. Companies have had several
years now to adhere to California laws starting with
the CCPA, and then going to the CPRA, which was passed
in 2020. This goes into effect in 2023. I think
companies have had plenty of time to digest the
requirements, which again are incrementally different
from what was already in the CCPA.

A couple of narrow suggestions that we made in our comments. One, we recommend that the Agency put together a registry of global signals that companies are required to adhere to, just to provide some more certainty to companies about what signals they need to respond to.

I believe, a representative from the DAA suggested that their signal should be considered binding. There has already been guidance in California that keep the C-signals bindings. I would just recommend making a list and updating it as far as what source of signals companies are required to treat as binding opt-outs.

On non-retaliation, section 125(b)4 of the CPRA it says that unjust, unreasonable, coercive, or usurious inducements are prohibited. But there is no clarity as far as what that means. We put together suggestions to the Agency as to try to get more guidance to companies, as what sort of financial incentives are unfair, that do put their phone too much on the scale -- okay, thank you.

And then finally, I should -- that's probably sufficient. Thank you very much for the time. I appreciate the opportunity to comment today.

MR. SOUBLET: I'd like to remind those of you that
are attending online, if you'd like to make a comment, please use the raise your hand feature. If you're dialing in by phone, you can press star 9 to raise your hand. And then, once you are called upon, press star 6 to unmute.

MS. HURTADO: Our next speaker today will be Robin West. Okay, Ms. West, you have five minutes to speak. Your time begins now.

MS. WEST: Hello. My name is Robin West. Am I allowed to speak?

MS. HURTADO: Yes.

MS. WEST: Thank you. I wasn't sure I was using your system correctly. So this is good.

I have way too much to say today. But I wanted to comment on what Joel -- I think his name was Odelson, spoke up about. The businesses are not complying with our request. And I typed up a very well written request with all of the pertinent information, and specific to Nordstrom.

Nordstrom, I think, has allowed someone else with my same name to use my credit card and other things. And this other person with my same name, Robin West, according to a private investigator, has been scooping up my telephone numbers and putting them -- my former cell phone numbers -- and putting them onto their
phone -- onto her phone. I don't know if this is all factual or not, but this is the information that I've been given. It may have been going on for at least 10 years.

I'm a victim of very serious fraud in my medical records. So at least 10 years' worth of fraud, serious fraud. Wrong diagnosis, strange letters that practice nurses have been writing and scanning into my chart. I've never participated in any of the portals. I don't have a passcode for any of the portals.

And recently, when I learned of all the fraud, because I spent two years collecting 10 years' worth of medical records, and I learned about the fraud, I opted out. The medical institutions are not informing patients, that that is an option.

I also have Break the Glass on my account. So if a doctor from John Muir decides to snoop into my records over at UCSF or Stanford, or at Sutter Health records, they will leave a footprint.

Now, most people don't know anything about this. Most people don't know that once they complete their intake forms at the doctor's office, and once that office adds them into their computer, those forms are shredded. So if something happens and their portal is hacked, their system is hacked, or somebody tries to
scan in a letter 10 years later into their file, this happened to me.

I went to a well-known cardiologist in 2004, 10 years later. I just recently learned in July of last year that this practice nurse wrote a letter that was extremely defamatory, and with all sorts of strange things. I mean, the letter looked like it was written by somebody strung out on drugs. It was so poorly written, and so odd and peculiar. And I disproved everything in the letter.

But my point in sharing all this with you is, your department, your organization and these laws are very, very, very much needed. And unfortunately, your regulation apparently is not going to actually kick in until July of next year. So apparently we still have to go to the Attorney General's office. I think that's Bonta's office, possibly, if I recall correctly in the message I received.

But I have this problem right now. In April, there was fraud in my medical records, I mean blatant fraud. I managed to accidently capture a doctor in September of last year committing the fraud, and I captured it on video by accident, one hour of the visit. And I'm shocked that these things are going on.

But you're very much needed. This is, like, past
due. So I'm very thankful that you have created this organization. If I can help in any way moving forward, I will volunteer time or help in any way I can. Because in fact, just the other night I watched The Circle, remember, that movie with Tom Hanks.

So you know, it's unfortunate, but they're not compliant. So we do need the regulation. We do need your committee. And thank you, for letting me speak.

MS. HURTADO: Thank you so much, Ms. West. Our next speaker is Alistair Mactaggart. Mr. Mactaggart, you've been unmuted. You have five minutes to speak.

MR. MACTAGGART: Great. And can you hear me?

MS. HURTADO: Yes, sir.

MR. MACTAGGART: Okay. Great. Well thank you, Board Members, Agency staff for the opportunity to speak today. I think I'm going to start off on -- you're all going to roll your eyes, but it's the thing I talk about a lot, which is the global opt-out, Section 7025, specifically (c)(2) of the regs -- sorry, (b) of the proposed regs.

And I want to support that proposed regulation and urge that it not be amended. There is a lot of, I think disinformation and misinformation floating around this industry-propagated idea that the global opt-out
is voluntary.

And I think I just want to go over the Statute section 1798.135(e), for Edward, which is just so clear in my mind. Which -- it says that a consumer may authorize another person to opt out of the sale or the sharing of the consumer's personal information. And then later on it says, you know, and the business shall comply with an opt-out request received from a person authorized by the consumer to act on the consumer's behalf. Regardless of whether the business has elected to comply with subdivision (a) or (b).

There is no choice here for businesses. We wrote it this way because -- you think about it this way. If a consumer may do something, that means they have to have the right to do it. This is not the Commission, that the Agency may chose to do something. Okay, in that case the Agency could propagate a rule, one way or the other.

But if you are saying, if the statute says that the consumer may do something, that means that they have to have the right to do it. And the right that they have is to have another person, which is another -- looking at the definition of person -- it's a business or nonprofit, so you can have a tool, you know, that a nonprofit controls or the global privacy
controls -- you could have a business privacy setting. And I just want to point out that there is no optionality about whether businesses must respond to global privacy controls. And you know, just the plain English reading of this is very clear in my mind. And so that's why I think that the global opt-out Section 7025 should not be amended -- 7025(b) should not be amended.

With that said, I do not, you know, I don't think that the 705(c)2, where you allow the business to ask for more information in the event that the person shows up with a global opt-out. I disagree with that concept. I understand the reasoning, which is that people are concerned about -- what about selling offline information, the businesses is also selling offline information. They might need more information from you.

But I think that what will happen if you allow businesses to meet the global opt-out with a request for your email or for your name, what will end up happening is that this is that the business will go, like wait, we're going to use this so that we can collect more information. And even if they can't use it in any other way but to talk you out, the hurdle to the consumer experience would be such that people wind
up trading off their global opt-out. This will say, every time I show up on a site, I have to give more information.

So I would accept the 80/20 of life and understand that businesses may have additional offline information that they're selling. But I would strongly urge you to say, look, when the consumer shows up with the global opt-out either under 135(a) or (b), the business should comply, but if the business has chosen 135(a), then they can take advantage of the steps in 121. And if the business shows up under 135(b), if they're choosing that route, then the business may not retaliate at all. It has to be the same user experience, as if the consumer was showing up without any global opt-out at all.

And then, you know, my last comment here would be around data minimization. I love the idea of what an average consumer would expect. I know that ADPPA, the proposed federal bill everybody is flaunting, everybody is talking about how it's got constraint issues and how great that is. I actually like this more, because this standard can change over time. And it's a real person standard. And I would just urge you to look at the phrase compatible with the context in which the personal information is collected; look at that
strictly. Because the businesses should not be using this ability to collect as much information as possible.

Anyway, thank you very much for the opportunity to comment. Bye-bye.

MS. HURTADO: Thank you. There are no other hands raised at this time.

MR. SOUBLET: Okay. I just wanted to do one more reminder. If you are attending online and would like to speak, please use the raise you hand feature. If you're dialing in by phone, you can do that by pressing star 9, and once called upon to unmute, you would press star 6. We'll wait a few minutes to see if there are any more people that would like to raise their hand.

MS. HURTADO: Okay. We have another speaker, Sara Geoghegan. You have been unmuted. You have five minutes to speak. Your time begins now.

MS. GEOGHEGAN: Hello, my name is Sara Geoghegan, and I am a law fellow at the Electronic Privacy Information Center, or EPIC. On behalf of EPIC, I want to applaud the Agency for its hard work to update the CPRA to protect Californians from data abuses and privacy violations. We urge you to continue to protect consumers' rights, and strengthen privacy protections at every opportunity, consistent with the expressed
EPIC, along with the coalition of several society
groups, submitted detailed written comments addressing
the proposed regulations. And I speak today to
highlight a few important points.

First, the Agency should use its authority to
establish strong data minimization standards to omit
the collection use and disclosure of personal
information. The draft regulations would allow
businesses to collect and use personal information in
ways that are not necessary or proportionate to the
uses a reasonable consumer would expect. We believe
that these out of context data uses should be
prohibited.

Consistent with the text of the CCPA as amended,
the Agency should similarly establish strong
limitations on the use and collection of sensitive
data. Because Californians' most urgent need is not
for more notices about their rights. It is for
substantive, meaningful limitations on the use and
disclosure of their sensitive personal information.

EPIC further suggests that the Agency provide
clarity, that when a business has received an opt-out
preference signal, they may not prompt the consumer to
confirm that preference, or otherwise collect
additional personal information in connection with such signal. An opt-out preference signal is by itself sufficient confirmation and authentication of the consumer's intent to opt out, which the business must honor.

Absent this clarification, we are concerned that businesses may attempt to undermine the efficacy of opt-out preference signals by bombarding consumers with confirmatory pop-ups, implementing consent fatigue. The Agency should further provide more stringent restrictions with respect to service providers and third parties to ensure that companies cannot retain personal information for longer than necessary.

Currently, Sections 7050 and 7051 contain language that is too broad, including language that provides unless expressly permitted by the CCPA for these regulations. We recommend that the regulations should enumerate the specific circumstances under which service providers and contractors may retain personal information.

Lastly, I would like to echo the point made by our friends at Consumer Reports, that the CPPA should not delay enforcement, and that businesses have had more than enough warning about their obligations to California consumers.
EPIC commends your work to protect the privacy of consumers and individuals, and looks forward to more robust protections for Californians. Thank you.

MS. HURTADO: Thank you. Our next speaker is --

MR. SOLTANI: Mr. Court Reporter, how is the audio and video link. There is some quality degradation on the video. Is that all right?

MR. COURT REPORTER: The audio has been pretty good. You're a little low right now. Video has been okay.

MR. SOLTANI: Okay. Thank you.

Go ahead.

MS. HURTADO: Okay. The next speaker is Bud Tender (ph.). Just one moment.

MR. COURT REPORTER: Yeah, the video does seem to be frozen now.

MS. HURTADO: Okay. Mr. Tender, you have five minutes to speak. Your time begins now.

MR. COURT REPORTER: Yeah, I just lost the video.

MR. TENDER: I'd like to address a couple issues. One of them is getting personal data from an organization. I tried a couple days ago to get my personal information from Samsung, and I was required to fill out a form, submit a copy of the picture of the front and the back of my divers license, and a personal
picture. And it froze on the last picture. And then I had to start over again. And after doing this probably half a dozen times, taking 30 minutes, I finally gave up.

The problem is, I can't get my personal information from Samsung, because their equipment freezes on me. So I've tried this with other organizations, and the same thing happened. So I get kicked out. So I'm not really sure if that's something that they built into their operating system, or if it's just something that automatically happens because of the data connection.

The second issue I'd like to bring up, not that the first issue is anything that is within your peripheral, but the second issue I'd like to bring up is about cookies, and accepting cookies and rejecting cookies when you go to a website.

And so what I've noticed is that the websites hide the information on how to reject the cookies. There is one I went to today, there is big blue bar that says accept all cookies, and then a transparent bar that says cookie -- it says manager. And the manager takes you to a place where there is four required cookies that you have to accept, and then there is 13 options to reject, and there is four more that you are required
to accept.

And this is a very long choice, pages and pages that you have read through in order to accept or reject them taking your personal information.

I don't know if you are the organization that is trying to make this clear for the consumer -- the internet consumer, how to manage their data. So I was hoping that there was something that you could be able to do about this.

Some sites -- there was another site I went to today, it's called pocket or getpocket.com, and automatically a popup comes up that says accept them or reject all. And that's really fairly easy and very simple to do instead of spending 30 minutes or more trying to get through this process of protecting your personal data. And I'm hoping that there is going to be something that you can do to help these companies make their choices more clear for the consumer.

And that's pretty much what I wanted to say, and I hope I came in clear enough for you. Thank you.

MS. HURTADO: Thank you for your comment.

MR. SOUBLET: At this time, we are going to take a short 15-minute break. And we will return promptly at 10:00 a.m. Thank you.

(Recess at 9:44 a.m., until 10:00 a.m.)
MR. SOUBLET: If you are in our attending (indiscernible) use the raise your hand feature if you like to speak. If you have dialed in, you can raise your hand by pressing star 9. And then once we call your name, you press star 6 and you will unmute.

MS. HURTADO: Okay. Our next speaker is Yadi.

Yadi, you have been unmuted.

MS. YADI: Hi, can you hear me? Hi, can you hear me? Hello? Can I get confirmation that I can be heard?

MR. SOUBLET: Yeah, I can hear you.

MS. YADI: Okay, thank you so much. Yes, thank you for giving me the opportunity -- yes, go ahead.

(Audio interference.)

MR. SOUBLET: Mr. Court Reporter, do you hear anything?

MR. COURT REPORTER: No. I can't hear anything now.

MS. HURTADO: Are you hearing me okay now?

MR. COURT REPORTER: Now I can hear you, but it's not real loud.

MS. HURTADO: How about now?

MR. COURT REPORTER: Same.

MS. HURTADO: Please bear with us while we're working through these technical difficulties. It'll be
just be a moment now.

MR. SOLTANI: Brian, can you say something?

MR. SOUBLET: Testing, testing, 1, 2, testing.

MR. COURT REPORTER: That's okay, but it's not real loud.

(Audio interference.)

MR. SOUBLET: For those of you online, will you please bear with us for a moment?

MR. SOLTANI: Roger, can you confirm you can hear us? I think some other members of the public said they can hear us, so --

MR. ROGER: Yeah, I can hear you.

MR. SOLTANI: Let's go ahead back on the record.

MS. HURTADO: Okay. Ms. Yadi, you have five minutes to speak. Your time begins now.

MS. YADI: Great. Thank you so much to the Agency for giving the public many opportunities to weigh in along this process and the rules before us today. And I'd also like to take a moment to thank the Agency for their stance on the Federal Privacy Bill, the ADDPA (sic). Thank you for standing up for Californians. And also, I'd like to remind everyone that the CCPA is for the protection of consumers, and that consumers overwhelmingly voiced that they wanted more privacy protections.
I'd just like to start with concerns with implementation, deadline, and the impact voice, especially from the small business community are unfounded. Small business owners are also consumers themselves. Aside from the general concern of burden, there was no specific tangible obstacles that were stated, nor have solutions towards a middle ground been offered.

And as someone who built a tech company in a very highly regulated industry, I can say firsthand that compliance is affecting every business owner's life. The technical lift required to give consumers more privacy is not monumental. Furthermore, if I can build and ship a product in six months, then companies definitely have enough time to comply with these rules and modify their data collection and handling processes.

So the issue here is not really technical capability, and at the end of the day, if privacy compliance is too burdensome, then the easier solution is to minimize the data collection done by companies. It's that simple.

And then I'd like to speak on two sections of the rules, 7021(a). I think that 10 business days is more than ample time. I would actually suggest it's a
little long. Forty-eight to 72 hours is more than reasonable. That's in line with how long it takes for unsubscribe requests to take effect.

And with regarding section 7021(b), 45 calendar days is very long, particularly for deletion. Also for the request to know, the longer time line should maybe only be extended to provide time for back and forth communication that would be necessary in order to comply. Deletion does not require any back and forth.

And then, my last comment is around GPC. Consumers need global privacy control, and it will make it easier for consumers to exercise their rights, as well as make it easier for companies to honor consumers' desire for greater privacy. So thank you so much for that.

And to conclude, thank you for your work, especially in a time where people's data is rapidly being weaponized against them as is being seen with the overturning of Roe v. Wade. And just to remind folks that it's really people over profits. And data can be used to criminalize and incarcerate people. So it's very important that we treat it with the utmost care.

Thank you for your time.

MS. HURTADO: Our next speaker is Sani Brosig.

Sani Brosig, you've been unmuted. You have five
minutes to speak. Your time begins now. You need to unmute. Please unmute your device. Okay. We will move on to the next speaker. Sani Brosig, if you'd like to speak, please raise your hand again. We're trying to get that taken care of. Our next speaker is Joel Odelson.

MR. ODELSON: Hi, this is Joel Odelson again.

Thank you. I just wanted to reemphasize that I think that CCPA should follow the GDPR, the European data privacy model, allowing me to affirm-in. And I'm going to give you once again as the Chief Information Security Officer.

It's not practical for me to opt out from every single company that is acquiring my data through data brokers and everything else. I will give you an example. For all of us who are on Zoom right now, Zoom has now collected a whole bunch of sensitive and personal identifiable information about us. The speaker, or the panel themselves, their faces will be on this recording, and they use facial recognition to do lots of things now and in the future.

But just going through Zoom's privacy policy right now, the device information that they are able to obtain on computers, phones, and other devices, may include information about the speakers, microphones,
cameras, operating system versions, hard disc IDs, PC name, MAC address, IP address, which can be used to find the general location and city, and maybe even block of where the person is, the device attributes like a battery level, Wi-Fi information, and other device information like Bluetooth signals.

Now, should Zoom be capturing all of that data on all of us right now while we are having this conversation, right? Other information, according to the privacy policy, is that they can look at and include the audio, the video, the in-meeting messages, of course we're not using messages here, chat messages, content transcription, written feedback, responses to polls, questions and answers, and files.

I can go on and on, and on. But none of us have -- I got no prompt before I logged into Zoom, telling me that they were going to take all this information. Now this information on itself is probably, you know, fairly benign. But when you start aggregating that data, that's when it becomes very powerful to marketing agencies, to hackers. Because this data on its own may not be sensitive. But as you aggregate it, it's very important.

So really what I'm trying to say is, having me trying to opt out or having the telephone consumer
trying to opt out of every company that is sucking up
data, and then correlating that data with other
sources, it's impossible. It's not practical. I would
have to have a team of thousands of people every single
day going in and trying to remove my data from all of
these companies.

I strongly suggest that you force these companies
through legislation that they must get my complicit
consent before they can capture data.

I thank you, and yield back my time.

MS. HURTADO: Thank you for your comment. There
are no other hands raised at this time.

MR. SOUBLET: Again, I'd like to remind if you are
with us online and would like to make a comment, please
use the raise your hand feature. If you are on the
phone, you can do that by pressing star 9, and then
once we call your name to unmute, you would press star
6.

It seems that we don't have any further speakers.

So at this time on behalf of --

MR. SOLTANI: Why don't we keep it open for a
little while longer?

MR. SOUBLET: Okay. We're going to keep the
recording going for another 10 minutes or so, and see
if we have anyone else that would like to participate.
So we'll be here if you'd like to make a comment, please raise your hand as I mentioned before using the raise your hand feature, or on the phone star 9.

MR. SOLTANI: Why don't plan to conclude at 10:20?

MR. SOUBLET: It's now about 10:12. We're going to conclude the hearing at 10:20. So we will be here for those of you that provide additional comments until 10:20.

(Pause)

MS. HURTADO: Okay. We have one more speaker. Mr. Bud Tender, you've been unmuted. You have five minutes to speak. Your time begins now.

MR. TENDER: I was wondering if you could get that address again to send in comments. I wasn't able to write it down the first time.

MR. SOUBLET: Sure. The address is cppa.ca.gov. And you want to send and submit your comments to regulations, the full word, regulations@cppa.ca.gov. Again that's regulations@cppa.ca.gov.

MR. TENDER: Is it regulation with an s or without?


MR. TENDER: Okay, great.

MR. SOUBLET: Right. And you should send those in right away, because at the conclusion of this hearing
the comment period will close.

MR. TENDER: Okay, thank you.

MR. SOLTANI:

MR. SOUBLET: You want to ask if there are any additional commentors?

MR. SOUBLET: Are there any additional people who would like to comment right now? Please use the raise your hand function. I see none.

It is now 10:20 a.m. On behalf of the California Privacy Protection Agency, we thank you for your interest in this matter.

I hereby conclude the hearing and close the comment period on the California Privacy Protection Agency's proposed regulations. Thank you.

(End of recording)
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STATE OF CALIFORNIA

This is to certify that I transcribed the foregoing pages 1 to 65 to the best of my ability from an audio recording provided to me.

I have subscribed this certificate at Phoenix, Arizona, this 7th day of September, 2022.

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MARION G. SANTIAGO