

**CALIFORNIA PRIVACY PROTECTION AGENCY**

2101 Arena Blvd  
Sacramento, CA 95834  
www.cppa.ca.gov

**OCTOBER 29, 2022****MOTION:**

The Board directs Staff to take all steps necessary to prepare and notice modifications to the text of the proposed regulatory amendments for an additional 15-day comment period. The modifications shall reflect the changes proposed by Staff in the written meeting materials, except Staff shall further modify the text to:

- Use the Staff's discretion to consider and include the following items if feasible at this time:
  - 7002
    - Clarifying language about a consumer's expectation with regard to the examples set forth in 7002(b)
    - Removal of the word "factors"
    - Clarifying language within 7002(b)(4) about the straightforwardness and ease of understanding of the disclosure
    - Clarifying language regarding the "consumer"
  - 7025
    - Clarifying language that opt-out preference signals should apply to pseudonymous profiles, e.g., consumer profiles associated with the browser or device
    - Clarifying language that if a business asks and the consumer does not affirm their intent to withdraw from a financial incentive program, the business may ignore the opt-out preference signal
    - Clarifying language that a business shall still apply an opt-out preference signal to the browser or device, or the known consumer, if the business does not ask the consumer to affirm their intent to withdraw from a financial incentive program.
  - 7027(m)
    - Inclusion of a reference to Civil Code § 1798.121(a)
    - Inclusion of language stating that the use and disclosure of the sensitive personal information shall be reasonably necessary and proportionate to achieve the purposes listed within the regulation
    - Moving the term "collect" in the preamble to (m)(8)
  - A new regulation that states that the Agency has discretion to consider the amount of time between the effective date of the statutory or regulatory requirement and possible violations of those requirements, as well as good faith efforts to comply.

- The additional modifications recommended by staff and described by Ms. Kim during the Friday meeting in the following sections:
  - 7001(b)
  - 7001(gg)
  - 7002(a)
  - 7002(a)(1)
  - 7002(a)(2)
  - 7002(d)
  - 7004(a)(2)
  - 7004(c)
  - 7011(d)
  - 7012(g)(3)(A)
  - 7022(b)(2)
  - 7023(d)(1)
  - 7026(a)(1)
  - 7027(b)(1)
  - 7028(a)
  - 7050(a)
  - 7050(e)
  - 7050(g)
  - 7051(a)(3)