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CALIFORNIA PRIVACY PROTECTION AGENCY

AMENDED TRANSCRIPTION OF RECORDED PUBLIC MEETING

OCTOBER 29, 2022

Held Remotely

- Present:
- JENNIFER URBAN, Chair
 - LYDIA DE LA TORRE, Board Member
 - VINHCENT LE, Board Member
 - ALASTAIR MACTAGGART, Board Member
 - CHRIS THOMPSON, Board Member
 - LISA KIM, Deputy Attorney General
 - ASHKAN SOLTANI, Executive Director
 - PHILIP LAIRD, General Counsel
 - KEVIN SABO, Moderator

Transcribed by: River Wolfe
eScribers, LLC
Phoenix, Arizona

1 **AMENDED TRANSCRIBED RECORDED PUBLIC MEETING**

2 **October 29, 2022**

3 MS. URBAN: Thank you very much, Mr.
4 Sabo. Let's go ahead and get started then.

5 Good morning, everybody. I'm pleased to
6 welcome you back to the meeting of the California
7 Privacy Protection Agency Board for October 28th and
8 29th, 2022. It's October 29th at 9 a.m. exactly, and
9 we are returning from recess from yesterday. My name
10 is Jennifer Urban. I'm the chairperson of the board
11 for the agency, and we will now continue on with the
12 meeting from yesterday.

13 Before we get started with the substance
14 of our discussion and public comment, I do want to
15 remind everyone of some logistical and legal parameters
16 for the meeting. First, I'd like everyone to please
17 check that your microphone is muted when you're not
18 speaking.

19 Second, this meeting is being recorded.
20 Today's meeting will be run according to the Bagley-
21 Keene Open Meeting Act as required by law.

22 We will have opportunity for questions
23 and discussion from board members. There will be the
24 opportunity for public comment on any agenda item as
25 well, and each speaker will be limited to three minutes

1 per agenda item.

2 When we get to public comment, Mr. Sabo,
3 he is our moderator for today, and he will instruct you
4 as to how to participate. But I'll give a brief
5 overview now. If you wish to speak on If you wish to
6 speak on an item and you're on the Zoom webinar, please
7 use the "raise your hand" function located at the
8 bottom of your screen.

9 If you wish to speak and you're joining
10 by phone, please press star nine on your phone. Mr.
11 Sabo will call your name when it is your turn and
12 request that you unmute, which you can do with the
13 unmute function on Zoom and star six on your phone.
14 You will then have three minutes, and when your comment
15 is completed, the moderator will mute you again.

16 One important note, it's helpful if you
17 identify yourself, but this is entirely voluntary. You
18 can put in a pseudonym when you log in to the Zoom
19 meeting.

20 We do welcome public comment, and I do
21 want to let everyone know that if we seem unresponsive,
22 it's simply because we are limited in our ability to
23 respond in the meeting. But we are listening, and we
24 do appreciate public comment.

25 We will take breaks as needed.

1 And with that, I would like to thank the
2 team supporting us today, Mr. Philip Laird, the
3 agency's general counsel, Mr. Ashkan Soltani, who is
4 our executive director, Mr. Kevin Sabo, who's acting as
5 our moderator, and all the staff behind the scenes at
6 our agency and at other agencies around the state,
7 especially the Office of the Attorney General. I'd
8 like to thank everybody especially for supporting us in
9 a two-day meeting and a meeting that runs on a Saturday
10 and to all the public for joining us today.

11 With that, I would like to ask Mr. Sabo
12 to conduct the roll call.

13 MR. SABO: Board Member de la Torre.

14 MS. DE LA TORRE: Present.

15 MR. SABO: de la Torre, present.

16 Board Member Le.

17 MR. LE: Present.

18 MR. SABO: Le present.

19 Board Member Mactaggart.

20 MR. MACTAGGART: Here.

21 MS. URBAN: Mactaggart present.

22 Board Member Thompson.

23 MR. THOMPSON: Here.

24 MR. SABO: Thompson present.

25 Chair Urban.

1 MS. URBAN: Present.

2 MR. SABO: Urban present.

3 With that, Madam Chair, you have
4 established quorum with all members present.

5 MS. URBAN: Thank you very much, Mr.
6 Sabo.

7 The board has established a quorum, and
8 as a reminder, I would like to let the board members
9 know we'll take a roll call vote on any action items.

10 With that, let's return to our
11 discussion of agenda item number 3, which is where we
12 are in the agenda. For everyone following along, you
13 can check your notice and agenda for that. The agenda
14 item is discussion and possible action regarding
15 proposed regulations, sections 7000 to 7304, to
16 implement, interpret, and make specific the California
17 Consumer Privacy Act of 2018 as amended by the
18 California Privacy Rights Act of 2020, including
19 possible adoption or modification of the text.

20 Now, I'd like to remind everyone of
21 where we are today and what we are discussing or what
22 is the decision that we are -- that we are discussing.

23 We are considering the decision to
24 approve the staff's and from yesterday board's
25 recommended modifications to the proposed regulations

1 7002, specifically that we would consider some language
2 to clarify that the consumers' expectation is only for
3 particular purposes with regard to the examples that
4 were used, that we would consider removal of the word
5 "factors", that we would consider adding language
6 within 7002(b)(4) about the straightforwardness and
7 ease of understanding of the disclosures, and that we
8 would also consider whether further clarification of
9 the term "consumer" is necessary.

10 With regard to section 7025, use our
11 discretion to include language that clarifies that the
12 opt-out preference signal should apply to pseudonymous
13 profiles, or specifically consumer profiles associated
14 with the browser or device.

15 We would also consider inclusion of
16 language to clarify that if a business asks and the
17 consumer does not affirm their intent to withdraw from
18 the financial incentive program, the business may
19 ignore the opt-out preference signal.

20 And we will also consider including
21 language to clarify that if the business does not ask
22 when the opt-out preference signal conflicts with the
23 financial incentive program, the business should then
24 still apply the opt-out preference signal to the
25 browser or device and to the extent known, the

1 consumer.

2 With regard to 7027(m), we will include
3 the reference to Civil Code Section 1798.121(a). We
4 will also have discretion to include language stating
5 that the use and disclosure of the sensitive personal
6 information has to be reasonably necessary and
7 proportionate to achieve the purposes listed and that
8 we will also consider removal of the term "collect" in
9 the preamble and instead move it over to (m)(8).

10 There are also additional modifications
11 that we discussed during the Friday meeting about the
12 following sections that we will be including in the
13 rulemaking package, and just to have this all in one
14 place, I'm going to list off those subsections:

15 7001(b), 7001(gg), 7002(a), 7002(a)(1), 7002(a)(2),
16 7002(d), 7004(a)(2), 7004(c), 7011(d), 7012(g)(3)(A),
17 7022(b)(2), 7023(d)(1), 7026(a)(1), 7027(b)(1),
18 7028(a), 7050(a), 7050(e), 7050(g), and 7051(a)(3).

19 Now, separately, there were a number of
20 items that the board has identified and recommended
21 staff consider for a future rulemaking package. I will
22 not summarize them here because they are in the
23 transcript, but for those items, I understand that
24 staff will review, analyze, and consider them for a
25 future rulemaking package.

1 I have prepared some language for a
2 motion, but should I go ahead and state that or --

3 MS. URBAN: That would be helpful I
4 think. Thank you for the --

5 MS. KIM: Not sure.

6 MS. URBAN: -- very careful summary.

7 MS. KIM: Sure. What I propose as a
8 motion is that the board direct staff to take all steps
9 necessary to prepare and notice modifications to the
10 text of the proposed regulatory amendments for an
11 additional fifteen-day comment period. The
12 modification shall reflect the changes proposed by
13 staff in the written meeting materials, except staff
14 shall further modify the texts in accordance with my
15 summary that I just provided and to reflect in the
16 other change that the board -- any other changes that
17 the board explicitly directed staff to include during
18 yesterday's discussion of the proposed modifications.

19 MS. URBAN: Thank you. I just want to
20 make sure I have the components. That sounds right to
21 me, and I think after extensive discussion yesterday,
22 we are ready to put that motion on the table.

23 But first, I would like to call on Ms.
24 de la Torre.

25 MS. DE LA TORRE: I just want to know,

1 are we going to vote before we listen to the comments?

2 MS. URBAN: Oh, no. No.

3 MS. DE LA TORRE: Okay.

4 MS. URBAN: I should back up. I mean, I
5 think Ms. Kim was suggesting a form of a motion. So I
6 will put the motion on the table so we all have it in
7 front of us and the public has it in front of them,
8 then we will take public comment. We absolutely will
9 not vote on anything before public comment.

10 MS. DE LA TORRE: Thank you.

11 MS. URBAN: Okay. All right. Yes, Mr.
12 Thompson.

13 MR. THOMPSON: Sorry, just to clarify
14 what putting the motion on the table means, it will be
15 circulated in writing?

16 MS. URBAN: Oh, no. I mean, I will
17 request a motion that is along the lines of Ms. Kim's,
18 but I will state the motion, request the motion. But
19 we can do that part after public comment. I just want
20 to state what I think the motion's going to be so
21 everybody has it in front of them or has heard it when
22 they're talking.

23 MR. THOMPSON: Okay. If it's
24 possible -- the motion is sufficiently lengthy and
25 detailed that it would be helpful to have it in writing

1 prior to voting on it. I was jotting down what Ms. Kim
2 was saying, but there's a lot there.

3 MS. URBAN: Okay. Mr. Laird, what --
4 let me take Mr. Le's comment or question first and then
5 ask what is the best way. I mean, I'm happy to include
6 all of those items. Every one of them was discussed
7 yesterday. They're --

8 MR. THOMPSON: Um-hum.

9 MS. URBAN: -- recorded in the
10 transcript, and we have a record of it. But I'm also
11 happy to do something -- like, put something up on the
12 screen if that's helpful and if it's appropriate.

13 All right. Mr. Le.

14 MR. LE: Yeah, I don't know if this is
15 appropriate, but last night, I came up with one more
16 item that I would like staff to (indiscernible) --

17 MS. URBAN: Okay.

18 MR. LE: -- and maybe for the board to
19 discuss, but I don't know what the right time to do
20 that is, so yeah.

21 MS. URBAN: Okay. Hold the thought. My
22 thinking is it's probably a good idea to do it now so
23 again, like, we and the public have everything in front
24 of us.

25 Mr. Mactaggart.

1 MR. MACTAGGART: Thank you. Good
2 morning.

3 Just along lines of what Mr. Thompson
4 was saying, I guess my understanding was that we
5 weren't going to go -- like, were we going to actually
6 list all of what you just said, Ms. Kim, or were we
7 just going to say, please proceed, because this isn't a
8 final vote on the regulations and everybody, I guess,
9 will get a chance to see the final regulations as well.

10 MS. URBAN: Yeah, yes.

11 MR. MACTAGGART: Right.

12 MS. URBAN: So maybe the better approach
13 just for clarity's sake, Ms. Kim, would have been for
14 me to take what you said and state a motion that was
15 basically what you said and incorporates the list that
16 Ms. Kim gave us, which I think was very helpful, and
17 made sure that it clarified different buckets of things
18 that we talked about and direction that we're giving to
19 the staff.

20 So staff proposed some modifications.
21 Most of those were in the written document we all
22 reviewed. Staff proposed some additional modifications
23 yesterday in the meeting. That was the list of
24 sections. Board members proposed a mix of potential
25 modifications that I think where we ended up yesterday

1 is everyone agreed that we would give staff discretion
2 to put those in this package for the fifteen-day
3 comment period or not once they had a chance to see how
4 everything worked together.

5 And then there was a final fairly large
6 bucket of items that are things that would require more
7 interpretation, analysis, research work, and so forth
8 that we have given staff, or we want to give staff,
9 direction to research and look into for a potential
10 future rulemaking.

11 Mr. Le has one more item that occurred
12 to him, so we will get to that, but that is how I
13 understood Ms. Kim's summary together with the motion
14 to work.

15 Does that make sense, Mr. Mactaggart?

16 MR. MACTAGGART: Yeah, I think so. I
17 mean, I think my point is we eventually have to vote on
18 a final package, right --

19 MS. URBAN: That's correct but not at
20 this point. We are taking -- we will take more public
21 comment on the modifications before we --

22 MR. MACTAGGART: Right. So we're kind
23 of telling staff go ahead with all that things. I
24 mean, I'm sensitive to what Mr. Thompson was saying
25 about, did I miss 7051(a), did I get all the changes

1 that Ms. Kim was talking about, and I guess from my
2 perspective, I'll have another chance to take a look at
3 that and approve it. Okay.

4 MS. URBAN: Um-hum. Um-hum. Yes.
5 Thank you, Mr. Mactaggart.

6 Ms. de la Torre.

7 MS. DE LA TORRE: I just was going to
8 suggest -- I mean, there is a value for us to have that
9 motion written, but I think fundamentally there is a
10 value for the staff because then they will have clarity
11 after this meeting and they have something that they
12 can go back to. So even though it might be maybe it
13 really detail, I think that having it in writing and
14 voting on it in a concrete way will put the staff in
15 the best position to then go back and remember to
16 implement the feedback that they have received.

17 And I will suggest that we hold back on
18 putting it in writing until after we listen to the
19 comments, just in case any of us can be made aware of
20 things that we were not considering until this point
21 based on the comments that we are going to receive.
22 Thank you.

23 MS. URBAN: Thank you, Ms. de la Torre.
24 That is completely fine with me. I will just say that
25 the legal effect is the same and staff have everything

1 that Ms. Kim listed out.

2 And yes, of course, we won't vote until
3 after public comment, and we could discuss more after
4 public comment if we need to so that everyone knows
5 what it is that we are considering voting on.

6 Mr. Le, did you want to --

7 MR. LE: Yes. Yeah, so I was looking
8 over the comments again, and I saw quite a few around
9 clarifying -- businesses worried around how much time
10 they have to comply before the July deadline, so I
11 wanted to bring up for discussion to the board if
12 we should consider having staff put in some language
13 stating that the agency can consider how much time
14 businesses have had to comply with the regulations and
15 enforcement. Yeah, so just wanted to discuss that
16 point with the rest of you all.

17 MS. URBAN: Oh, thank you very much, Mr.
18 Le. And that was an item that I was thinking about,
19 and I didn't bring up at the end of the day yesterday.
20 When I said I didn't have anything, in the back of my
21 mind, I thought, I feel like I have something. So
22 thank you very much for bringing that up.

23 Ms. Kim, do you have thoughts or
24 feedback from staff on this?

25 MS. KIM: Sure. We did receive many

1 comments on this item or this idea of delaying the
2 effective date or the enforcement date. I wanted to
3 note that we are bound by the statute with regard to
4 effective date and the enforcement date, and I do have
5 personally some concerns about delaying implementation
6 of the actual regulations because old provisions are
7 tied to new provisions and currently existing CCPA
8 obligations may be hampered and I don't believe that to
9 be the intention of the statute.

10 But that being said, I do believe that
11 we could add a regulation that clearly states that the
12 agency may consider the amount of time between the
13 effective date of the statutory or regulatory
14 requirement and the possible violations of the
15 requirements and also possibly the good-faith efforts
16 to comply with the requirements. That's something that
17 I think would make some sense to include as a
18 regulation.

19 MS. URBAN: Thank you, Ms. Kim.

20 Mr. Le, did you want to respond to that
21 before --

22 MR. LE: Yeah, I think that sounds
23 great. Yeah, I definitely don't want to suggest that
24 existing portions of the law suddenly become
25 unenforceable, which isn't really what my -- the

1 language I have is essentially what Ms. Kim suggested,
2 right, so if this new regulation comes out and then one
3 month later, we bring an action, that you can consider
4 whether or not they've had enough time to make those
5 updates.

6 So that sounds perfectly fine, Ms. Kim.

7 MS. URBAN: Thank you, Mr. Le.

8 Ms. de la Torre, then Mr. Mactaggart.

9 MS. DE LA TORRE: Yes. I have two
10 questions. And thank you, Mr. Le, for bringing this
11 topic up. One is if we were to include any
12 modification like the one we're discussing right now in
13 the rules, would that modification have any effect on
14 the Attorney General because we have two enforcers for
15 the law, and I just want to have clarity as to what
16 that will mean.

17 And the other idea that I thought might
18 be worth considering in this space is whether it could
19 make sense to temporarily extend the cure period that
20 currently exists and is going to expire when CPRA goes
21 into effect for particular topics, not across the
22 board, but for the new topics. I think specifically
23 HR data, and business-to-business data, there is
24 confusion, I think, in terms of implementation that has
25 come through the comments, and there is limited time

1 to implement. Perhaps giving for that narrow area an
2 extension of the cure period for six months or nine
3 months would be a good gesture on our side to just
4 present ourselves as a reasonable enforcer.

5 MS. URBAN: Thank you, Ms. de la Torre.
6 Mr. Mactaggart.

7 MR. MACTAGGART: Thank you. You know,
8 I'm sensitive to the concern, and I think it's a
9 reasonable concern. The flipside is I get nervous if
10 I hear us sort of kind of -- what Ms. Kim was talking
11 about, sort of trying to reinterpret a statute which
12 has some pretty fixed deadlines in here. And what I
13 guess my suggestion would be -- this is a complicated
14 area -- would be for to ask staff to come back -- and
15 I'm not sure; I don't think Mr. Le was saying he needed
16 it today, but to come back with a future regulation
17 to -- because we do have language in 145 -- what's
18 it -- it's 199.45 -- about the agency's ability to sort
19 of prosecute differentially based on the lack of intent
20 to violate the statute.

21 And so I feel like there's solid ground
22 there if we ask staff go away and come up with some
23 language around that sort of lack of intent. You're
24 making good effort. You're trying. It wasn't just the
25 business just ignored it, but they actually were

1 trying. And that would be on safer ground than if we
2 start to kind of say, well, we're going to have this
3 part here we're going to enforce or we're going to
4 extend a cure period here.

5 Just, Ms. de la Torre, I feel like
6 that's -- that then opens you up, be like, well, if you
7 can do that, why didn't you do this, and it gets a
8 little complicated. So I don't know. I feel like we
9 should ask Ms. Kim, the experts here, to sort of look
10 at this from a what have other agencies done in these
11 situations.

12 I don't mind the idea of going easily
13 for the first little while, but I get worried about the
14 prospect of too much reinterpretation.

15 MS. URBAN: Thank you, Mr. Mactaggart.
16 And of course, we are bound by the statute, which was
17 part of Ms. Kim's point. We can't extend the
18 enforcement dates in the statute.

19 The way I understand this -- the way I
20 understand this issue and the way that I analyze this
21 issue is that I think the business community have valid
22 concerns, and in my view, it's very reasonable to try
23 to help the business community have some expectation or
24 sense of how the agency generally will approach the
25 issue.

1 We are unlike federal agencies and some
2 other agencies in that we are limited in our ability to
3 issue some sort of guidance without doing it through
4 the regulatory process. We can of course point to our
5 discretion, which we have, as Mr. Mactaggart pointed
6 out, and that's all very important for people in the
7 regulated community to understand that that is there.

8 But I would certainly support saying
9 something in the regulation that makes clear, as Ms.
10 Kim was suggesting, that we can take into account these
11 things when we are looking at enforcement. That seems
12 to me to be a reasonable approach that helps the
13 regulated community have a sense of how we're looking
14 at it.

15 I don't think that it -- I mean, it
16 doesn't of course go beyond our statute, but my
17 understanding was that the regulated community were
18 really looking for the agency to say we've heard this
19 concern and we understand it and we intend to -- we
20 intend to pay attention to it as we move forward.

21 And while I have been able to say I hear
22 you, I can't say what the agency's going to do and also
23 we have the -- we have the strictures of California law
24 which are really important, that things need to go
25 through the public comment process and receive a lot of

1 public input before we move forward. And that's often,
2 I think, not intuitive to folks.

3 So I would certainly support something
4 like this. I also support Mr. Mactaggart's approach,
5 if that's where the sense of the board is. And I just
6 appreciate Mr. Le bringing it up.

7 Okay. Mr. Le and then Mr. Thompson.

8 MR. LE: Yeah, you took a lot of words
9 out of my mouth. I'll note that, to Mr. Mactaggart,
10 we've brought this up with staff at a previous board
11 meeting as a agenda item, so staff has had some time to
12 think about the best way to approach this and yeah, not
13 in a way that would extend or change the statute. But
14 just like as Chair Urban noted, give the businesses a
15 little bit more guidance in terms of what the agency
16 can consider before bringing an action.

17 And I would like to see this in the next
18 draft of the comments, just so that when the regs come
19 out, this would be with that, so all the attorneys at
20 all of these firms have a little bit more assurance
21 that a month after the regs come out, like, they
22 won't -- maybe they'll have some time to cure and fix
23 things potentially. And the agency can at least
24 consider that before they bring in enforcement action
25 or fines.

1 MS. URBAN: Thank you, Mr. Le.

2 Mr. Thompson.

3 MR. THOMPSON: I just wanted to thank
4 Mr. Le also for bringing this up. This has been a
5 recurring theme of both public comment and board
6 discussion. And it is -- I mean, it's important an
7 important point that as we're proceeding through this
8 regulatory process that we recognize timelines and what
9 are reasonable timelines for implementation and for the
10 regulated community to respond.

11 I agree with the point that Mr. Le made
12 about the timing, that I would not want to see this --
13 we will have a revision and a subsequent public comment
14 period. I wouldn't want this one issue to trigger
15 another public comment period, that it should be if at
16 all possible addressed in the revision that is coming
17 out. I think that was Mr. Le's point, and I would
18 agree with that.

19 And hearing the discussion, I think Mr.
20 Mactaggart raises a good statutory tie that the
21 language as proposed, or the concept as proposed by Mr.
22 Le, could reference that discretion that exists in the
23 statute and then that perhaps would give it a firmer
24 grounding if it referenced that section.

25 But I'm glad Mr. Le brought this up, and

1 I think we should act on it.

2 MS. URBAN: Thank you, Mr. Thompson.

3 Ms. Kim, for my benefit, I apologize,
4 everything you said made a lot of sense to me, but I
5 just wanted to be sure that I understood if staff had
6 sort of a recommended modification at this point so we
7 all know what we're talking about?

8 MS. KIM: Yes. Our recommendation with
9 regard to the regulation is one that clearly states
10 that the agency may consider the amount of time between
11 the effective date of the statutory or regulatory
12 requirement and the linkage to the alleged violation of
13 the requirements as well as the good-faith efforts to
14 comply with those requirements.

15 I do think that the agency has
16 discretion, but to the extent that putting that
17 discretion or noting that the discretion includes these
18 elements may be helpful in addressing these concerns.

19 MS. URBAN: Okay. Thank you. Thank
20 you, Ms. Kim. That seems a very sensible approach to
21 me.

22 Mr. Mactaggart.

23 MR. MACTAGGART: Yeah, and this is going
24 to be somewhat of a dumb question, but then that self-
25 limits -- so like, I guess, Ms. Kim, the question, you

1 don't want four years in someone saying, well -- so I
2 guess the language would have to sort of --

3 MS. KIM: I think the idea is that if
4 there are iterative -- or if there are future
5 rulemaking packages, it may apply to those as well, but
6 the longer you go out from the date in which the
7 statutory or regulatory requirement is put into law and
8 compliance, that's considered.

9 MS. URBAN: Ms. de la Torre.

10 Oh, sorry, Mr. Mactaggart had a --

11 MR. MACTAGGART: Nope, sorry, I was --

12 MS. URBAN: Did I read your expression
13 correctly? Sorry --

14 MR. MACTAGGART: I think I was being
15 slow. Let me shut up here, and I'll come back if I
16 have a question. Thank you.

17 MS. URBAN: Okay.

18 MR. MACTAGGART: Thank you.

19 MS. URBAN: Thank you, Mr. Mactaggart.

20 Actually, Mr. Soltani, if you have a
21 clarification on --

22 MR. SOLTANI: No. We can go with Ms. --
23 yes.

24 MS. URBAN: Okay, perfect. Okay.

25 Ms. de la Torre, please go ahead.

1 MS. DE LA TORRE: I was just hoping to
2 get an answer to how this will, I guess, affect the
3 agency and the AG because we have a second enforcer,
4 and I'm not sure whether the logistics of that if we
5 were to make a change in the rules.

6 MR. LAIRD: I'll go ahead and take that
7 one since I know Ms. Kim also works for the Attorney
8 General's office.

9 In terms of drafting, I mean, I think
10 what I discussed previously with staff is the
11 possibility of language that would be specific to our
12 agency and our agency's process as a regulator and sort
13 of would be then part of our enforcement evaluation
14 process built into the regulation.

15 MS. DE LA TORRE: Okay. So just to
16 repeat back to make sure I understand, we will not be
17 affecting the enforcement process or decision making of
18 the AG through this change. It will just be a change
19 that will be reflected in our own enforcement process.
20 Thank you.

21 MS. URBAN: Mr. Soltani.

22 MR. SOLTANI: Great. Thank you, and
23 I'll also flag that. Echo Mr. Laird's comments. But
24 kind of coming from the enforcement background having
25 worked on these matters, I thought I would just be

1 helpful for the board to know, in response to Mr. Le's
2 comments, there's no the month after a reg to bring in
3 an enforcement action. Usually enforcement actions
4 take months, if not longer. At FTC, you can look at
5 their average times. It's usually at least a year, if
6 not two.

7 So I'll just flag that in practice,
8 these things do take quite a lot of time. I have no
9 personal concerns with the language that essentially
10 reflects what's in 199.45 already, so I'm comfortable
11 with that. But I just do think that it's good for the
12 board to realize that enforcement matters do take time.

13 MS. URBAN: Thank you, Mr. Soltani.

14 Do we have additional comments on this?

15 Yes, Ms. de la Torre.

16 MS. DE LA TORRE: I -- I have a question
17 that is related to this. So it seems to me from the
18 conversation that we are having that regardless of
19 whether there's a change to be made to the rules, there
20 is just a shared awareness within the board as to the
21 limited time that some of the organizations looking at
22 compliance may have to implement, nothing that is also
23 shared awareness as to the fact that not all of the
24 compliance that needs to be done is subject to this
25 particular change.

1 I apologize. I'm not making a good job
2 explaining myself.

3 What I'm trying to say -- let me
4 backtrack -- is that CCPA has been the law for a long
5 time now, right, so if I were to look at an enforcement
6 action that is based on a violation on something that
7 was in CCPA two years ago, to me, there is no need to
8 consider the time of this rulemaking because everybody
9 was aware of CCPA and they should have been working on
10 implementing it, versus there is a violation that
11 happens next year of something that is new that is in
12 the rule or something that was triggered by CPRA, like
13 the space that I was mentioning, the HR space.

14 To me, I will be -- and we will all be
15 in the position of voting on an enforcement action when
16 we get there, right. If an enforcement action was
17 brought up for a violation of CCPA rules that have to
18 do with HR data and the organization had made a good-
19 faith effort, I will find it really difficult to vote
20 in support of that violation being upheld.

21 So I'm wondering if this conversation,
22 this shared awareness that we have as the board, might
23 be a sufficient reassurance to the business community
24 because ultimately, regardless of what the rules say,
25 the enforcement action will come to the board. And us

1 having this conversation and this awareness should
2 result in them being more comfortable that it's not the
3 intent of the board to support enforcement that will
4 not be reasonable.

5 So I guess what I'm trying look into
6 whether this conversation is enough without necessarily
7 a required modification of the laws to provide the
8 assurances that I think we're all looking to provide.

9 MS. URBAN: Thank you, Ms. de la Torre.
10 Mr. Thompson, and then Mr. Mactaggart.

11 MR. THOMPSON: A couple of thoughts on
12 the discussion as it has proceeded. I'm sensitive to
13 and sympathetic to the point that Mr. Mactaggart
14 brought up about the duration of this kind of guidance.
15 And hearing what Ms. Kim said about this deference or
16 whatever we're going to call it would apply to future
17 rulemakings was not necessarily my intent. And when
18 Mr. Le brought this and I voiced support for it, I was
19 not contemplating -- I was applying it in my own mind
20 to a specific set of facts, not something that would
21 exist in perpetuity.

22 So if we could time-limit or -- I mean,
23 and maybe we just need to note this for future
24 rulemaking, that we would then rescind this expression
25 in a future rulemaking package, presuming this fact

1 pattern didn't exist there.

2 The point that Ms. de la Torre brings
3 up, I'm reluctant to speculate on how I might consider
4 voting on an enforcement action without looking into a
5 crystal ball. I prefer the clarity of some limited
6 expression as originally proposed than I would think
7 that would give greater comfort to the regulated
8 without putting me or others into a position of kind of
9 expressing how we might vote on a -- or consider a
10 hypothetical enforcement action. That makes me
11 uncomfortable.

12 MS. URBAN: Thank you, Mr. Thompson.

13 Mr. Mactaggart, and then Mr. Le.

14 MR. MACTAGGART: Yeah, and while I think
15 I appreciate where Ms. de la Torre was coming from, I
16 would also echo Mr. Thompson's sentiment. I'm very
17 uncomfortable speculating on how I would vote in the
18 future on some action because I feel like were in a
19 facts (sic) that point.

20 And I would just come back to -- and I
21 was not part of that earlier discussion that Mr. Le
22 referred to, so presumably there's been some talk about
23 this before. I'd be very comfortable if we left it to
24 staff to go back and come back with a suggestion
25 because I do think this is slightly complicated because

1 we're trying to say we already have 199.45; how do we
2 want to kind of restate -- maybe give a little bit of
3 deference to this particular circumstance we're in
4 here, but it's not for a future thing.

5 And so we can maybe do it now, but my
6 personal thing would be to say that to staff ask them
7 to come back, and I think one thing that is clear is
8 all of us are it feels like supportive of some kind of
9 temporary understanding of the fact that if businesses
10 are trying hard but there's limited time, there could
11 be a potential to look at enforcement differently than
12 if a business is just totally ignoring stuff.

13 MS. URBAN: Thank you, Mr. Mactaggart.

14 Mr. Le.

15 MR. LE: Yeah, and I'll just note on the
16 timing issue is that when the new regulation comes out,
17 right, say a year from now, I think this concern would
18 still be arising that, hey, we don't want to enforce
19 immediately after regulation comes out. I think this
20 is just codifying. I've worked adjacent to and with
21 many regulatory agencies. Regular agencies generally
22 don't. They use their discretion. The AG uses its
23 discretion anyway when bringing enforcement actions.

24 I just saw this kind of language
25 codifying that hey, the CPPA is a reasonable agency.

1 We're not going to bring an action, or we're going to
2 think about how long you've had to actually comply and
3 change your privacy policies, you name it, before we
4 bring an action. So I don't see it as really self-
5 limiting.

6 And in terms of the timing issue, I
7 think this type of concern will arise every time a
8 regulation comes out. And nothing in this regulation
9 I'm suggesting actually prevents the agency from
10 bringing an enforcement action if it so chooses,
11 assuming the facts are there to actually bring the
12 enforcement action.

13 And so I don't necessarily think we need
14 to time-limit it. I mean, if the board goes with that,
15 I'm also okay with that, but I think this kind of a
16 concern comes up every time new rules comes out, and
17 this is just codifying a practice that I find pretty
18 common with enforcement agencies anyway.

19 And I will kind of support what everyone
20 else said around -- I don't want to speculate on how
21 I'll vote, and I think the business community would
22 feel better -- and we saw all those comments, and I
23 don't want to go so far as putting in, like, a hard,
24 twelve-month grace period or anything like that. And I
25 don't think that's the statutory -- there's a lot under

1 the statute, but I think this kind of pulls a good
2 middle ground and will provide some of the reassurance
3 that maybe the business community would like and kind
4 of just stating that the agency still has discretion at
5 the end of the day, and this is just one factor that
6 they consider.

7 MS. URBAN: Thank you, Mr. Le.

8 Again, nothing we do would or can change
9 the statute, which states that we have discretion. I
10 view this as providing a little bit more information
11 and guidance about our approach with regard to that.

12 We could, of course, simply point to the
13 statute, which is there already. But I do understand
14 the concerns from the business community about wanting
15 to hear just a little bit more from the agency. So I
16 don't think -- and as Mr. Le said, this would not stop
17 us from bringing an enforcement action if we so chose.
18 It would help the business community understand that we
19 are taking into account this particular situation.

20 Ms. de la Torre.

21 MS. DE LA TORRE: I just wanted to share
22 that I've been listening to the comments of everybody.
23 I appreciate them. And after kind of having the time
24 to better understand the proposal, I have come to agree
25 with Mr. Le. I think that what he's proposing is a

1 good middle ground, and so long as Mrs. Kim is stating
2 as that there is space to get that done within the
3 rules, she seems comfortable that that's the case, as
4 our expert. I'm very supportive of what Mr. Le is
5 proposing at this point.

6 MS. URBAN: Thank you, Ms. de la Torre.

7 I am also -- I believe Mr. Thompson
8 is -- Mr. Thompson could you affirm or clarify if not?

9 MR. THOMPSON: So I'm printing
10 something. Sorry.

11 MS. URBAN: Oh, that's --

12 MR. THOMPSON: I continue to be
13 supportive of the concept, and I think this is
14 sufficiently complicated that having the staff draft
15 something -- I guess I would ask Mr. Soltani and Ms.
16 Kim if they feel like they've got sufficient guidance
17 to include a revision in the draft that is to come out,
18 and I would rely upon their expertise in drafting along
19 the lines of the discussion that we've had. But I
20 continue to be supportive of the concept as
21 articulated.

22 MS. URBAN: Okay. Thank you.

23 MR. THOMPSON: Was that the question?

24 MS. URBAN: It does. I think so, if Ms.
25 Kim feels as though she understands guidance.

1 MS. KIM: Yeah.

2 MS. URBAN: Okay.

3 MS. KIM: Yes, I believe -- yes, I
4 believe we have enough of a understanding of the
5 board's guidance so that we could carry out the
6 direction today for the fifteen-day comment period, to
7 include a regulation that reflects the board's guidance
8 as to this issue that we can include in a fifteen-day
9 comment period.

10 MS. URBAN: Thank you, Ms. Kim.

11 Now, Mr. Mactaggart, you raised some
12 important questions, and I wanted to check in with you
13 separately as well.

14 MR. MACTAGGART: Well, I was persuaded
15 by Mr. Le's last comment. I do think he's raising a
16 point about any new regulation, and I think Mr. Soltani
17 kind of brought this up. It's not a gotcha situation,
18 just like we pass in a regulation and then boom, hit-
19 someone-hard-the-next-day kind of thing.

20 So if there's language that sort of, I
21 don't know, clarifies 199.45, I think it's in the
22 statute, and it's just basically says we're going to
23 be a reasonable agency, and I think that's kind of what
24 I'd like to see. It's hard for me to exactly say until
25 I see the language, but I think we've all given Ms. Kim

1 and Mr. Soltani and the rest of the staff enough
2 direction here. So I'm comfortable of where this
3 discussion is now.

4 MS. URBAN: Okay. Thank you. Thank
5 you, Mr. Mactaggart.

6 In that case, I suggest that Ms. Kim add
7 that to the list of modifications to be -- additional
8 modifications to be added to the modified text.

9 Mr. Soltani, was there something that
10 you wanted to clarify? I apologize, I just saw your
11 window.

12 MR. SOLTANI: Oh, no. My name was
13 invoked, so I just jumped on in case I needed to.

14 MS. URBAN: Oh, okay. All right. Thank
15 you, Mr. Soltani.

16 Thanks again, Mr. Le, for bringing that
17 back to our attention. I'm very glad that we had the
18 opportunity to discuss it and to give staff some
19 guidance and direction on that issue.

20 I'd like to go back to where we were in
21 the conversation just before we began talking about
22 this proposed modification related to enforcement
23 practice, which was Mr. Thompson had requested that the
24 components of the additional modifications that would
25 be going into the -- or that we would be voting on and

1 considering to go into the fifteen-day comment period
2 be in writing. And I just wanted to double-check with
3 Mr. Laird about that and accomplishing that and if
4 there are any drawbacks, legal drawbacks, to that.

5 Thank you, Mr. Laird.

6 MR. LAIRD: I think it's something we
7 can accommodate, certainly. I think probably the
8 request -- unless, Ms. Kim, correct me if I'm wrong,
9 but I think we would just want a few minutes on staff's
10 time to sort of make sure we've prepared a written
11 version that we can display on the screen for everybody
12 to review.

13 MS. URBAN: Okay. Great. Then I think
14 let's plan on that. And with that, I would like to
15 take public comment.

16 And I would like to remind everyone that
17 what we are considering are modifications to the text
18 proposed by staff that were circulated for the meeting
19 in the written document, additional modifications
20 proposed by staff throughout the meeting today and
21 yesterday, and some guidance from the board provided
22 throughout the meeting today and yesterday.

23 And the decision that we will be taking
24 is whether or not to put that modified proposed
25 regulatory text out for additional public comment of at

1 least fifteen days.

2 Mr. Sabo, do we have any public comment?

3 MR. SABO: I do not see any hands
4 raised.

5 MS. URBAN: Okay. Well, let's give
6 everyone a chance to collect their thoughts for a
7 moment.

8 MR. SABO: Okay. We do have one public
9 comment from an individual named Miles Lake (ph.).

10 Miles, if you'd like to make a comment,
11 please -- one moment. Okay. So you've been unmuted.
12 Again, you have three minutes. Please proceed when
13 you're ready.

14 MR. LAKE: Okay. Okay. Thanks,
15 everybody. Can you guys hear me okay?

16 (No audible response)

17 MR. LAKE: Great. So thank you. I -- I
18 listened in yesterday. Great discourse. I was -- I've
19 got three items. Let's see if I can get through them.

20 7024(d), so that item sounded like a
21 pretty precise list of items that shouldn't be shared,
22 for example. And it makes some imply that if it's not
23 on that list, that it then should be shared. And
24 there's some -- there's some concerns about the HR data
25 and which HR data we must share with a requester. So

1 for example, performance reviews that weren't intended
2 for the eyes of the employee, so any HR complaint such
3 as harassment.

4 And anyway, items like that that we're
5 concerned about having to deliver to the employee, we
6 wanted to just make sure that they were explicitly -- I
7 don't think it was the intention to have to send that
8 information out to the requester, but I wanted to just
9 make sure that there was something that specified that
10 capability not to send that info to the requester.

11 So that's item 1. Do you want me to
12 stop there, or do you want me to go to the next --

13 MS. URBAN: No, please go ahead.

14 MR. LAKE: Okay. So item number 2, and
15 this one -- and you can stop me if it's not -- if it's
16 not appropriate for this meeting because it wasn't -- I
17 don't remember it being discussed yesterday or being
18 part of the new changes, but it's around automated
19 decision making. And there's two items that when we
20 brainstormed within ourselves that basically every
21 company would use.

22 But generally, we don't feel that we met
23 the spirit of -- like, we don't do automated decision
24 making, or this group didn't. But applicant job-
25 filtering systems, so like, Indeed or LinkedIn, I think

1 that everyone uses those but the concern is -- is if --
2 if that isn't lumped under automated decision making,
3 then there's a lot that goes into being able to comply
4 with how our technique for filtering resumes are and
5 then the downstream execution of that.

6 And the other one which was definitely
7 secondary -- that was the main one -- was
8 advertising -- like, targeted advertising. In other
9 words, if, you know, we target someone for, you know,
10 an older individual for an advertisement, do they then
11 have the right to ask why that decision was made and
12 our logic on our automated decision making and then to
13 opt out of the automated decision making.

14 Those are my items.

15 MS. URBAN: Thank you, Miles Lake.

16 Do we have further public comment?

17 MR. SABO: Again, please use Zoom's
18 raise hand feature if you'd like to make a public
19 comment. If you're dialing in, please press star nine
20 to raise your hand.

21 MS. URBAN: All right. If there's no
22 further public comment, thank you, Mr. Sabo.

23 And then I propose that we take a short
24 break to allow staff to put what Ms. Kim had summarized
25 and with the addition of the modification related --

1 excuse me. Let me back up.

2 I propose that we take a short break to
3 allow staff to put what Ms. Kim had summarized into
4 written form for the board and to also include the
5 results of the conversation that we just had about
6 enforcement practice and then come back and consider
7 that motion.

8 And I thank the member of the public for
9 the comment and ask staff, how long would you like us
10 to take a break?

11 MR. LAIRD: I'm going to -- well, Ms.
12 Kim.

13 MS. KIM: I'll defer to you. Perhaps
14 about ten minutes.

15 MS. URBAN: Okay. Shall we make it
16 fifteen just to be safe?

17 (No audible response)

18 MS. URBAN: So let's take a break and
19 convene back here at 10:05 a.m. Thanks very much,
20 everyone.

21 (Whereupon a recess was taken)

22 MS. URBAN: Welcome back, everyone.

23 Mr. Mactaggart, are you back?

24 All right. Let's give Mr. Mactaggart a
25 second. Oh, here he comes. Oh, wonderful.

1 Welcome back, everyone. Thank you,
2 staff, for taking the break to put together the list of
3 items for a motion in written form so the board can
4 have a look at it. I think that the best thing to do
5 now will be for me to restate where we are and then ask
6 staff to share the written form of motion with the
7 board.

8 So we have considered and discussed the
9 proposed modifications to the proposed rules that were
10 captured in the text for the meeting today. We've
11 considered and discussed proposed modifications that
12 are in addition to the ones captured in writing in the
13 materials for today from staff, and we have discussed a
14 number of suggestions and observations from the board
15 which resulted also in a set of modifications that the
16 board will be considering giving staff discretion to
17 implement in this set of proposed modifications to the
18 proposed text of the regulations and others that staff
19 will be taking under consideration and doing further
20 work on to consider for future rulemakings.

21 Ms. Kim gave a summary that was specific
22 and included all of the different provisions that staff
23 will be either making further modifications to or in
24 their discretion adding modifications following the
25 guidance of the board before the package goes out for

1 the fifteen-day rulemaking.

2 And Mr. Thompson quite recently asked if
3 we could see that in written form, and so staff have
4 now prepared a version of the motion that has the
5 summary in written form, as I understand that's what
6 staff was doing.

7 And now I'd like to turn it back over to
8 Ms. Kim or Mr. Laird, whoever is better, to share with
9 us that text.

10 MS. KIM: Sure. I will be sharing my
11 screen now, so give me a moment. There we go. Can
12 everyone see the screen?

13 (No audible response)

14 MS. KIM: And please do let me know if I
15 should enlarge it because I do have a relatively large
16 monitor. So I want to make sure that everyone can read
17 the document. And I'll certainly scroll down once I
18 walk through this.

19 Would it make sense for me to read
20 through it, or is it better if I just let everyone take
21 the moment and let me know when I should --

22 MS. URBAN: I would find it helpful if
23 you walk through it, and --

24 MS. KIM: Sure.

25 MS. URBAN: -- as I was understanding

1 Mr. Thompson's request, I think it would be useful
2 to just go over the text so that we can all see it as
3 well.

4 MS. KIM: Great.

5 Bullet point 1: Use the staff's
6 discretion to consider and include the following items
7 if feasible at this time.

8 And that is section 7002, clarifying the
9 language about a consumer's expectations with regard to
10 the examples set forth in 7002(b). Removal of the word
11 "factors". Clarifying language within 7002(b)(4) about
12 the straightforwardness and ease of understanding of
13 the disclosure. Clarifying language regarding the
14 consumer.

15 With regard to 7025, clarifying language
16 that opt-out preference signals should apply to
17 pseudonymous profiles, example, consumer profiles
18 associated with the browser or device. Clarifying
19 language that if a business asks and the consumer does
20 not affirm their intent to withdraw from a financial
21 incentive program, the business may ignore the opt-out
22 preference signal. Clarifying language that a business
23 shall still apply an opt-out preference signal to the
24 browser or device or the known consumer if the business
25 does not ask the consumer to affirm their intent to

1 withdraw from a financial incentive program.

2 With regard to section 7027(m),
3 inclusion of a reference to Civil Code Section
4 1798.121(a). Inclusion of language stating that the
5 use and disclosure of the sensitive personal
6 information shall be reasonably necessary and
7 proportionate to achieve the purposes listed within
8 that regulation. Moving the term "collect" in the
9 preamble to (m)(8).

10 And then with regard to the discussion
11 we had today, a new regulation that states that the
12 agency has discretion to consider the amount of time
13 between the effective date of the statutory or
14 regulatory requirement and possible violations of those
15 requirements as well as good-faith efforts to comply.

16 Finally, there are additional
17 modifications recommended by staff and that I described
18 during the Friday meeting in the following sections,
19 and they are listed below.

20 Is it necessary that I go ahead and read
21 through the subsections, Mr. Laird?

22 MS. URBAN: It is not necessary for me.

23 MR. LAIRD: And not from my perspective
24 either, but if anybody would like to hear, of course we
25 would be happy to do so.

1 MS. URBAN: Okay. Mr. Thompson is
2 shaking his head no, and so is Ms. de la Torre. All
3 right.

4 MS. KIM: And Mr. Le as well.

5 MS. URBAN: Okay. Yes. The board does
6 not need you to read this list of sections.

7 MR. LE: Could you scroll back up to the
8 top actually?

9 MS. KIM: Sure.

10 MR. LE: So I can -- okay. Thank you.

11 MS. URBAN: All right. Are there any
12 questions from the board? This appears to me to be the
13 list of items that we discovered and that Ms. Kim
14 summarized earlier in the meeting.

15 All right. In that case, may I have a
16 motion to direct staff to take all steps necessary to
17 prepare and notice modifications to the text of the
18 proposed regulatory amendments for an additional
19 fifteen-day comment period. The modifications shall
20 reflect the changes proposed by staff in the written
21 meeting materials, except staff shall further modify
22 the text in line with the written motion that Ms. Kim
23 presented on October 29th during the board meeting to
24 the board and that will be made available on our
25 website after the meeting.

1 Mr. Mactaggart.

2 MR. MACTAGGART: So moved.

3 MS. URBAN: Thank you, Mr. Mactaggart.

4 May I have a second?

5 MR. LE: I'll second.

6 MS. URBAN: Thank you, Mr. Le.

7 The motion has been made and seconded.

8 Mr. Sabo, would you please conduct the
9 roll-call vote?

10 MR. SABO: Yep. The motion is to
11 approve the motion as presented by staff, moved by
12 Member Mr. Mactaggart and seconded by Member Mr. Le.

13 Board Member de la Torre.

14 MS. DE LA TORRE: This is a difficult
15 vote for me. On one side, I'd really want to reflect
16 my support for the staff on all of the good work that
17 they have put together. On the other hand, there's a
18 couple of provision (sic), specifically 7002, that I
19 see space to make stronger.

20 I recognize that we are not voting on
21 the final rules, and I also recognize that as a board,
22 we are making it a priority to accelerate this process
23 so that we can finalize it as soon as possible. So
24 with that understanding, my choice right now is to vote
25 in favor of the motion and to continue to engage with

1 the staff to better understand 7002 and how it can be
2 improved.

3 MR. SABO: Okay. de la Torre, yes.

4 Board Member Le.

5 MR. LE: Aye.

6 MR. SABO: Le, aye.

7 Mactaggart.

8 MR. MACTAGGART: Aye.

9 MR. SABO: Mactaggart, aye.

10 Thompson.

11 MR. THOMPSON: Aye.

12 MR. SABO: Thompson, aye.

13 Urban.

14 MS. URBAN: Aye.

15 MR. SABO: Urban, aye.

16 Five ayes. The motion is adopted.

17 MS. URBAN: Thank you very much, Mr.

18 Sabo.

19 The motion carries with the vote of five

20 to zero.

21 Ms. Kim, would you mind unsharing your

22 screening so we can see -- thank you very much.

23 So the motion carries with the vote of

24 five to zero.

25 I want to again, but with feeling, or

1 extra feeling, thank very much the staff for their
2 meticulous, thoughtful work in putting together this
3 proposed package of regulations and the modifications.

4 I want to thank the board for its
5 careful and thoughtful analysis of both the proposed
6 regulatory package and the modifications and the
7 board's thoughtful and sensible suggestions for further
8 improvements to the text.

9 And I very much and especially want to
10 thank the public for its robust participation in this
11 process all the way up to this point, starting with the
12 initial invitation for comments before we entered the
13 rulemaking process, continuing through the stakeholder
14 and expert sessions, and providing very robust, written
15 comments to the proposed regulations during the comment
16 period.

17 I know I found them very helpful. I
18 know staff found them very helpful. I believe the rest
19 of the board did as well. You've heard us reference
20 them in our conversation over the last day and some.
21 And we look forward to hearing your additional comments
22 on the modifications during the fifteen-day comment
23 period.

24 Thanks, everyone, for your effort, for
25 your patience, and with keeping your attention so

1 focused during what has been quite a long meeting.

2 And with that, we can move to the last
3 item on the agenda, agenda item number 4, which is
4 adjournment.

5 May I have a motion to adjourn the
6 meeting?

7 MR. LE: So moved, or I'll move to --

8 MS. URBAN: Thank you very much, Mr. Le.
9 May I have a second?

10 MR. MACTAGGART: Second.

11 MS. URBAN: Thank you, Mr. Mactaggart.

12 I have a motion and a second to adjourn
13 the meeting.

14 Mr. Sabo, could you please call the
15 vote?

16 MR. SABO: Motion is to adjourn the
17 meeting.

18 Board Member de la Torre.

19 MS. DE LA TORRE: Aye.

20 MR. SABO: de la Torre, aye.

21 Board Member Le.

22 MR. LE: Aye.

23 MR. SABO: Le, aye.

24 Board Member Mactaggart.

25 MR. MACTAGGART: Aye.

1 MR. SABO: Mactaggart, aye.

2 Board Member Thompson.

3 MR. THOMPSON: Before I vote, I have a
4 process question in that there's a member of the public
5 with their hand raised that --

6 MS. URBAN: Oh, gosh.

7 MR. THOMPSON: I don't know if we want
8 to give that person the opportunity to comment on
9 something if that was their desire.

10 MS. URBAN: Mr. Laird, there isn't
11 usually public comment on adjournment, right?

12 MR. LAIRD: There typically is not, but
13 I will --

14 MS. URBAN: Sure.

15 MR. LAIRD: -- leave it to the board's
16 discretion.

17 MS. URBAN: Okay. Well, we can
18 certainly hear public comment.

19 MR. SABO: Okay. So the individual
20 member of the public is Lane Williams (ph.).

21 I will unmute you now. You have three
22 minutes to make your comments.

23 Please go ahead whenever you're ready.

24 MS. WILLIAMS: Hi. I was just -- hello.
25 Can you hear me?

1 MS. URBAN: We can now. Please
2 continue.

3 MS. WILLIAMS: I was just wondering if
4 the board will meet again on November -- the -- the
5 next-scheduled board meeting considering the -- the
6 motion to adopt the rules.

7 MS. URBAN: I believe the question was
8 if we would be meeting on the next meeting that we've
9 noticed, November 4th, to adopt the regulations.

10 Generally, we listen to public comment
11 and cannot answer. This is a specific process
12 question, so I feel comfortable saying that there is
13 currently a meeting noticed on November 4th. As I
14 mentioned at the top of this meeting -- which was
15 yesterday, so you may not have heard it -- that meeting
16 is a placeholder. We will use it if we need to. We
17 won't use it if we do not need to use it.

18 And then in terms of the final adoption
19 of the rules, what we've voted today is to go forward
20 with the fifteen-day comment. So the fifteen-day
21 comment period cannot be completed by November 4th, so
22 that is not something -- we will not be adopting final
23 rules on November 4th.

24 Does that help?

25 MS. WILLIAMS: Yes. Thank you.

1 MS. URBAN: Sure. You're very welcome.

2 Mr. Laird, should we start the vote
3 over, or should we go ahead with Mr. Thompson?

4 MR. LAIRD: I think we can continue with
5 just Mr. Thompson.

6 MS. URBAN: All right.

7 MR. THOMPSON: On adjournment, aye.

8 MR. SABO: Thompson, aye.

9 Chair Urban.

10 MS. URBAN: Aye.

11 MR. SABO: Urban, aye.

12 With five votes in favor of adjournment
13 and no votes opposed, the motion to adjourn is adopted.

14 MS. URBAN: Thank you.

15 The motion to adjourn carries. Again,
16 thank you very much for your careful and thoughtful
17 efforts over the course of the last day and a bit and
18 also over the course of the rulemaking process thus-
19 far. And this meeting of the California Privacy
20 Protection Agency Board is adjourned.

21 (End of recording)

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C E R T I F I C A T E

BE IT KNOWN that the foregoing proceedings were reported by River Wolfe, and reduced to written form under my direction; that the foregoing 52 pages constitute a full, true, and accurate transcript; all done to the best of my skill and ability.

DATED this 22nd day of November, 2022.



RIVER WOLFE

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