

CALIFORNIA PRIVACY PROTECTION AGENCY

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**M e m o r a n d u m**

Date: December 5, 2022

To: California Privacy Protection Agency Board
(Meeting of December 16, 2022)

From: Maureen Mahoney, Deputy Director of Policy & Legislation and
Philip Laird, General Counsel

Subject: Process and Delegation to Appoint Members to the California Children’s Data Protection Working Group Pursuant to Civil Code § 1798.99.32

Description: This memo seeks to inform the Agency Board’s discussion of Agenda Item 7, concerning the appointment of two members to the California Children’s Data Protection Working Group by the California Privacy Protection Agency (CPPA), pursuant to Civil Code § 1798.99.32.

Background: On September 15, 2022, Governor Newsom signed AB 2273, the California Age-Appropriate Design Code Act (CAADCA), which goes into effect on January 1, 2023, with requirements on businesses taking effect on July 1, 2024. CAADCA is intended to strengthen online protections for children under 18.

Among other features, the CAADCA creates the California Children’s Data Protection Working Group (“the Working Group”),¹ which is tasked with submitting a biennial report to the Legislature, beginning in 2024, until January 1, 2030, that makes recommendations on best practices regarding children’s access to online services, products, and features.

The Working Group is to be composed of ten members, two of which are to be appointed by the CPPA. The remaining eight members are appointed by the Governor (two members), the Senate Pro Tempore (two members), the Speaker of the Assembly (two members), and the Attorney General (two members). The law also directs that the Working Group to “elect a chair and a vice chair from among its members.”

Working Group members are required to be Californians with expertise in at least **two** of the following areas:

- (1) Children’s data privacy;
- (2) Physical health;
- (3) Mental health and well-being;
- (4) Computer science; and
- (5) Children’s rights.

¹ Civil Code § 1798.99.32.

While there is no deadline for appointing members to the Working Group, the first report is due no later than January 1, 2024, and appointments could begin as early as January 1, 2023, the effective date of the bill.

Recommendation: Staff recommends that the Board delegate to the Executive Director the authority to appoint the Working Group members. This will allow for a more thorough and candid processing.

Should the Board choose to make such a delegation, it is recommended that the Board provide general guidance as to the minimum two required qualifications from the list above that successful candidates should possess, as well as any other relevant experience to prioritize, and a general timeframe by which to complete the appointments.

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