CALIFORNIA PRIVACY PROTECTION AGENCY BOARD

TRANSCRIPTION OF RECORDED PUBLIC MEETING

May 15, 2023
SACRAMENTO, CALIFORNIA

Present:   JENNIFER URBAN, Chairperson
LYDIA DE LA TORRE, Board Member
VINHCENT LE, Board Member
ALASTAIR MACTAGGART, Board Member
ASHKAN SOLTANI, Executive Director
VON CHITAMBIRA, Deputy Director of Administration
MAUREEN MAHONEY, Deputy Director of Policy and Legislation
MEGAN WHITE, Deputy Director of Public Affairs
BRIAN SOUBLET, Acting General Counsel
NELSON RICHARDS, Assistant Chief Counsel
LISA KIM, Senior Privacy Counsel and Advisor
KEVIN SABO, Moderator

Transcribed by: MEHREEN RASHEED
FOCUS INTERPRETING
Mr. Kevin Sabo: Madam Chair, it looks like the numbers are beginning to level off.

Ms. Jennifer Urban: Wonderful. Thank you very much, Mr. Sabo. In that case, let's begin. Good morning. My name is Jennifer Urban. I'm the Chairperson of the Board for the California Privacy Protection Agency. And I'm very pleased to welcome you to this meeting of the California Privacy Protection Agency Board. It's May 15th 2023 at 09:04 am. As usual, I have some logistical announcements before we begin with the substance of the meeting. First, everyone, please check to make sure your microphone is muted when you're not speaking. That's largely for those of us on the panel. Additionally, for everyone, please note that this meeting is being recorded. Today's meeting will be run according to the Bagley-Keene Open Meeting Act, as required by law. After each agenda item, there will be an opportunity for questions and discussion by Board members. We also have a designated time on the agenda for public comments. Today, that is agenda item number 9. I will also ask for public comment on each specific agenda item. And each speaker will be limited to three minutes per agenda item for public comments. If you wish to speak on an item and you are using the Zoom webinar, please use the 'Raise Your Hand' function, which is in the reaction feature at the bottom of your Zoom screen. If you wish to speak on an item and you are joining by phone, please press star 9 on your phone to show the moderator that you are raising your hand. That's star 9 if you want to jot that down. Our
moderator will call your name when it is your turn and request that you unmute yourself for comments at that time. If you're using the webinar, you can use the unmute button, and if you're dialing by phone, you can press star 6 to unmute. When your comment is completed, our moderator will mute you. If you choose to make a public comment, it is helpful if you identify yourself, but this is entirely voluntary. You can also input a pseudonym when you log into the Zoom meeting. The Board welcomes public comment on any item on the agenda, and it is our intent to ask for public comment prior to the Board voting on any agenda item. If, for some reason, I forget to ask for public comment on an agenda item, and you wish to speak on that item, please let us know by using the ‘Raise Your Hand’ function, and the moderator will recognize you, and you will then have three minutes to speak. Relatedly, I would like to remind everyone of some of the rules of the road under Bagley-Keene. Both Board members and members of the public may discuss agendized items only. This means that if you are speaking on an agenda item, both Board members and members of the public must contain their comments to that agenda item. Items not on the agenda can be suggested for discussion at future meetings when the Board takes up the agenda item designated for that purpose. It's number 10 today. Please note that we will take breaks as needed, and also that our Board member, Mr. Vinhcent Le, has been delayed and is planning to join us in a bit. Accordingly, we may take agenda items out of order today more than we usually do, so please be aware of that. My many thanks to all of the Board members for their service and to everyone who's working to make this meeting possible. I'd like to thank the team supporting us today. Specifically, Mr. Brian Soublet, who's acting
as our meeting counsel, Mr. Ashkan Soltani, who is here in his capacity as our executive director, and several of our deputy directors and counsel who will be presenting today. Thank you all, and good morning. I would also like to thank and welcome our moderator, Mr. Kevin Sabo. Good morning, Mr. Sabo, and ask you now to please conduct the roll call.

MR. SABO: Board member de la Torre.

MS. LYDIA DE LA TORRE: Aye.

MR. SABO: de la Torre present. Board member Le? Board member Mactaggart.

MR. ALASTAIR MACTAGGART: Here.

MR. SABO: Mactaggart present. Chair Urban.

MS. URBAN: Present.

MR. SABO: Urban present. Madam Chair, you have three presents and one absence.

MS. URBAN: Thank you, Mr. Sabo. With three members of a five-person board, the Board has established a quorum. I'd like to know-- excuse me. I’d like to let the other Board members know that we'll take a roll call vote on any action items. Agenda item 2 is an update from the chairperson. I actually have no updates of my own. My updates are largely encompassed under number 3, the strategic planning update. So, we can go ahead and skip that agenda item today. And I will recall it in a future meeting if needed. So, with that, let's move to agenda item number 3, which is an update on strategic planning from Ms. Von Chitambira, who's our deputy director of administration, and I'm very excited to say that, for once, I won't just be saying we're waiting for the contract. Ms. Chitambira, please go ahead.
MS. VON CHITAMBIRA: Good morning. I'm happy to report the strategic plan development contract was awarded and executed on April 26th. A strategic plan is a roadmap that defines who we are as an agency, including our vision and mission. It will list specific actions that we'll embark on to achieve our goals. The vendor for this contract was selected through the standard state bidding process. The selected vendor, Sorella Solutions LLC, is a certified small business in the state of California. Their consultants have over 20 years' experience leading strategic plan development in addition to the other consulting services that Sorella offers. Our specific consultants who will be working with CPPA has vast experience working with state agencies. Some of the departments they've worked with include Toxic Substance Control, Department of Aging, Department of Health Care Access and Information, and the Gambling Control Commission. Our contract term is for one year, and we have an option to extend if necessary. Some agencies can take longer than a year. Staff met with the vendor shortly after the contract was executed for a kickoff meeting. We shared some resources with the vendor to help them familiarize with our agency, including our statute. Information on our statute is captured in the statute so this will help them understand our mission before we begin the process. The contractor is currently working on developing the process on how best to proceed, bearing in mind some considerations that are unique to our agency. For example, we are governed by the Board, which is subject to Bagley-Keene, and this can affect scheduling as well as data collection. The vendor is refining the typical standard planning process, and we'll make sure that they take our considerations
before our next meeting. We expect to have more information on the strategic planning process at our next Board meeting and possibly a presentation by the vendor themselves in July. Thank you.

**MS. URBAN:** Thank you very much, Ms. Chitambira. Questions, comments from Ms. de la Torre and Mr. Mactaggart? Ms. de la Torre, please go ahead. You're on mute, Ms. de la Torre.

**MS. DE LA TORRE:** Apologies. Yes, I was wondering if we could have some information on the experience of this vendor with the topic that we regulate, which will be data privacy, data governance. Do they have any experience in that space?

**MS. CHITAMBIRA:** Not that I'm aware of, but we can find out and report back. We didn't get into the specifics of privacy and regulations or the topic in general. The guidance, it will be on strategic planning. So, our staff will be giving that information on privacy space, and they'll be leading with the development process of the strategic plan. So, we will tell them what we want, and they will shape the process for us.

**MS. DE LA TORRE:** Oh, okay, so I apologize because I haven't served on a board before so I'm not very familiar with the process. So, will the Board have a conversation about priorities, and then that conversation will be, you know, this agency will be present there? I mean, how do we communicate the priorities to this agency or contractor?

**MS. CHITAMBIRA:** Yes, the Board will be leading the process, and you will have meetings with the vendor. But since our first meeting, we are working with them and counsel to make sure that we have the appropriate guidance to guide the communication, bearing in mind that some of the meetings will need to be in public, and
there are more nuances to how the process will work. But the Board will be leading the process and setting the vision and mission.

**Ms. Urban:** Ms. Chitambira, would you mind saying again the agencies, the example agencies that they've worked with? As I recall it, I don't remember all of them that you said, but it sounded like it was a real range of subject matter.

**Ms. Chitambira:** They are quite a wide range. One of them is the Gambling Control Commission. There’s Department of Healthcare Access and Information, Department of Aging, and Department of Toxic Substance Control. And these are only the ones that the specific consultant we're working with has worked with before. Sorella has worked with other state agencies as well. I only listed the ones that our consultant will be, that she has worked with.

**Ms. Urban:** Okay, yes. So, I had heard from that, Ms. de la Torre, that the consultants are able to do strategic planning with lots of different subject-matter focus agencies. That their job is this sort of the process.

**Ms. de la Torre:** I guess what I'm trying to figure out is when we, the Board, are going to have a conversation. I mean, I understand that they will help translate it into steps and actions, but I imagine that we, the Board, have to have that item in the calendar at some point where we have that conversation. Or is it like we're individually going to have the conversation with the consultants? That's where I'm a little confused. I thought that we had to have a conversation as a board in an open meeting, but maybe I'm confused.

**Ms. Urban:** I think that is the plan, yes, Ms.-- I mean, it'd
MS. CHITAMBIRA: Yes, that is one of the considerations. It is part of the plan that the Board will have a meeting, all Board members, together with the consultant. The consultant will also gather information from staff, and the information will be presented to the Board. So, when the Board comes up with the mission statement, it will have input from staff as well as and maybe some stakeholders. So, when you decide what your mission, what the mission statement for CPPA it was going to be by you, and I’m referring to the Board, you will have enough information to take into consideration as you make the final mission statement, and how the consultant is going to gather the information is what they are currently working with guidance from counsel to make sure that they are compliant with Bagley-Keene. And if we're going to have public meetings, what is the most efficient way to do it and to ensure that we do meet the timeline that they are trying to put out, and we'll be presenting in July.

MS. DE LA TORRE: One last question: so from the agencies that they have worked with, are they also boards like our agency, and they are subject to Bagley-Keene so they are familiar with that? Or is this new for them?

MS. CHITAMBIRA: From what I gather, they have worked with boards. In our discussions, when Bagley-Keene was brought up, it seemed they had some experience, but we didn't get into specific details for how exactly they did it for the other agencies. So, that'd be one of the discussion points when we meet with them again. We're expecting another meeting in two weeks with a vendor before they come to the Board.
MS. URBAN: Mr. Mactaggart?

MR. MACTAGGART: Yeah, so what's the deliverable here? Is it a strategic plan just around communications? Is it a strategic plan around the-- what's the deliverable here?

MS. CHITAMBIRA: The deliverable is a strategic plan that will include our vision statement, our mission, our goals, and the strategies that we’ll take to achieve those goals. Typically, the timeline for the strategic plan is typically for goals that we aim to achieve within three to four years, but the timeline will be up to the Board for you to decide. I imagining it may be goals for the next three years.

MR. MACTAGGART: And how much are we paying for this?

MS. CHITAMBIRA: We're paying-- I have the number with me. We're paying $118,448.

MS. DE LA TORRE: I guess as background because remember Alastair was not here: so, I think a year and a half ago I asked, when are we, the Board, going to have a conversation on the priorities of the Agency in terms of enforcement, in terms of the mission of the Agency that's outlined in the law? Obviously, there are different items and which ones we are going to prioritize. And that conversation has not happened. But I think I understand this contract as it was necessary before we, the Board, even can put it on the agenda to have the conversation. So, that's why I was trying to better understand the process and what to expect.

MS. URBAN: Thank you, Ms. de la Torre. Yes, Mr. Mactaggart, for your background: the Board was discussing the possibility of strategic planning, more formal strategic planning, starting almost at our inception. I would say Mr. Thompson and Mr. Le both had
repeated thoughts about that. I'm certainly supportive, and as we got our package, our rulemaking package fielded last summer, I turned to working to develop a plan to do the strategic plan. Agencies generally work with a vendor for that. It has taken this long to get a vendor and the contract in place, and I really want to make sure to pause and thank Ms. Chitambira for all of her work on this because I know it's been a very, very long process with the state contracting process and finding a vendor so that we can get started with this. I think, Ms. Chitambira, it'll be really important for the vendors, and I'm sure they are on top of this, but that it will be very important for the vendors to understand that a lot of our mission, if not all of it, is defined very carefully in our statute. And so, we can start, you know, from that basis right away.

**MS. CHITAMBIRA:** Absolutely. And we did share that with them and, to address Ms. de La Torre's question on the priorities, that is some of the information you'll be communicating with the vendor, and they will include that information in the strategic plan. So, your priorities will then shape the goals and strategies for what we aim to achieve in the next few years.

**MS. URBAN:** Thank you. Yes, Mr. Mactaggart?

**MR. MACTAGGART:** So, just to-- on your kind of to your, I suppose, most recent point, it does feel like the roadmap for what the Agency’s supposed to do is kind of laid out in the statute, and so, I'm just kind of wondering what our, you know, we're going to spend a lot of money here on something, and I'm just kind of wondering, is it really just going to be, whether you should enforce or issue regulations? I mean, I kind of feel like there's
not-- like, I'm just, I guess I'm wondering, given how it sort of seems like we know what we need to do right here, and we just-- we've done a massive step forward with the regulations, and we need to keep on approving them and begin enforcement. But what's the nuance of what we're expecting? What is this going to tell us that we don't know already, I guess, my question?

**MS. CHITAMBIRA:** Sure, it's going to simplify for the public as well as for staff what exactly our priorities are going to be, so it'll spell it out for the next years. The statute is very broad. There's a lot of information involved. But through the strategic plan, the Board will refine it for staff and make it clear what our objectives are, and from those objectives, we can develop KPIs for how we're measuring our progress. It is a state requirement for agencies to have strategic plans, and most state departments, when you go into their website, you'll see that they have a strategic plan on there. We don't have one yet, so we're meeting that requirement, and then you're also helping us as staff to understand what exactly we need to prioritize and when.

**MS. URBAN:** Thank you, Ms. Chitambira.

**MR. MACTAGGART:** Thanks, I didn’t know it was a state requirement. Thank you.

**MS. DE LA TORRE:** Yeah, I have a related question. So, we don't need to wait longer to actually have the conversation as a board in the next meeting about what our priorities for enforcement might be. I mean, I think that we need to actually, as a board, look at the list that is outlined in the statute and think about what we feel should be coming first. It's been a while since we were created, and we're going to start enforcing in a couple of
Ms. de la Torre, I would suggest bringing that up in the agenda item for future agenda items. I don't disagree. I mean, I think the strategic plan is more of a-- strategic planning, it feels more corporate to me than what I'm familiar with. But my understanding is that it is-- it is a little bit more broad brush than that. For example, we are having our biannual, semi-annual, I can never-- I don't know which, twice a year-- we're having one of our twice-year conversations about rulemaking priorities, and that's much more detailed and less of a general trajectory over the next few years. So, those things are not, I think, in tension.

MS. DE LA TORRE: Okay, I appreciate the effort of the Agency in getting the mechanics going on so that all of this can be formalized. And I look forward because I think we need to have a conversation as a board to set our-- what we think should come first so that the contractor can include that in their processes and the processes of the Agency. So, I'll add that, the chairwoman's suggestion, at the end of the meeting as a potential. I apologize, it's a little confusing for me. Like I said, I don't have experience in other boards, and when I suggested it, what I expected is that we will just put it on the agenda and have a conversation with the Agency, decide on the implementation process. But I think we're getting close. So, thank you.

MS. URBAN: Thank you, Ms. de la Torre. Further comments or questions, or shall I call for public comment?

MR. MACTAGGART: I'll just-- kind of echoing, if it's okay, Ms. de la Torre's comment, you know, I wasn't here when obviously it was decided to go this route, and so I'm mindful of that, and
understanding it's a state requirement. I suppose there's a bunch
of hoops you got to jump through to make sure that you have one. I
just feel like maybe this gets us kick-started longer term. I'm not
sure I'm a huge fan of paying this kind of money to consultants
when, you know, I feel like this is something that probably we
could do ourselves. But, at the same time, I'm going to support
this now because, as I said, I'm late to the conversation, and
there's a lot on all the staff's plate so adding this would be a
lot right now. But hopefully long term it can become somewhat self-
perpetuating. Maybe it gets updated, but we may not need to devote
these resources outside of the Agency in order to get this done.

MS. URBAN: Thank you, Mr. Mactaggart. Mr. Sabo, is there
public comment on this agenda item?

MR. SABO: We're on agenda item 3, Strategic Planning Update.
If you'd like to make a comment, please raise your hand using
Zoom's ‘Raise Hand’ feature or by pressing star 9 on your phone.
Your name will be called when it's your turn, and you'll be invited
to unmute yourself. Those dialing in by phone can press star 6 to
unmute. You'll have three minutes to make your comment. Again, this
is for agenda item 3, the Strategic Planning Update. If you'd like
to make a comment, please raise your hand at this time using Zoom's
‘Raise Hand’ feature or by pressing star 9 if you're joining us by
phone today. Madam Chair, I'm not seeing any hands at this
time.

MS. URBAN: Okay, thank you very much, Mr. Sabo. Thank you to
Ms. de la Torre and Mr. Mactaggart for your thoughts and questions.
I think, Ms. Chitambira, we're all curious to see what this is
going to look like. I'll look forward to the consultants when they
join our meeting to talk with us about that. And again, I thank you
for all the work and for updating us on this process.

    MS. CHITAMBIRA: Thank you.

    MS. URBAN: Alright, we continue to wait for Mr. Le.

Accordingly, let's move to agenda item number 5 if we could, the
Public Affairs Update. Ms. White, are you ready to talk with us
about that?

    MS. MEGAN WHITE: I am, yes.

    MS. URBAN: Wonderful, welcome. Good morning.

    MS. WHITE: Thank you so much, and thank you to all the members
of the Board. As mentioned, my name is Megan White, and I'm the
deputy director of public and external affairs at CPPA. At last
month's Board meeting, you kindly concurred my hire--

    MS. URBAN: Sorry, Ms. White, before you begin, can I just
break in briefly to welcome you to the Agency? I believe you began
just, what, maybe a month ago?

    MS. WHITE: Yes, I officially started my fifth week today. So
yes, a month.

    MS. URBAN: Oh, fantastic! Well, we are really delighted to
have you. Throughout its inception, and with, I think, every Board
member we've had over that time, I know we are all deeply committed
to our public awareness and guidance functions, and we are just
really delighted to have you here and to hear from you today. So,
thank you so much for taking the time to update us, and please do
go ahead. I apologize for interrupting.

    MS. WHITE: Oh, no, my apologies, Chairwoman, and thank you
again. And, as you can tell, this is my first Board meeting, so
I'll know next time to wait for the formal introduction. But as I
said, my name is Megan White, and I'm so grateful to join you all here today. And while I am new to the team, as you can tell, I do have a few public affairs and outreach efforts that I'd like to share with you. So, as you're aware, CPPA's outreach to date has primarily centered around encouraging public participation in the rulemaking process and some live public awareness, such as the social media efforts that we will have this week centered around Privacy Awareness Week. And as we move into the next phase of research, our focus will center around educating the public about their rights and how to exercise those rights if they so choose. We will also provide guidance to businesses regarding their duties and responsibilities under the law while being mindful not to step into underground regulation territory. To assist with these efforts, a month ago we put out an invitation to bid on additional media and outreach services to help with research, strategy, and content creation. We're hopeful to have a consultant onboard shortly and to kick off our planning and outreach starting this summer. Our work that I just outlined will be rooted in research. This will include qualitative and quantitative research efforts along with usability testing and user experience research. We will also develop a public affairs strategy. This will include branding and overall outreach campaign strategy for our organization, along with smaller outreach campaigns developed for specific groups. In addition, we will work with the consultant on content creation. This will include a possible website redesign, additional digital content, and the development of ads, infographics, and translating materials into various languages. We're separately working on our complaint system, which we will preview for the Board at a future
meeting. I'd like to note that during every step of this campaign planning strategy, we will focus on the messaging being clear and engaging for all Californians. Our focus will be to take complex information and make it easy to understand while ensuring it remains technically and legally accurate. Our research and outreach efforts will be done through the lens of deeply understanding the diversity of our state. For example, we won't simply take materials and translate them from English into various languages without first ensuring the message translates as well. We'll consider approach, tone, and other factors as we create materials for various audiences. And while our general campaign will have a broad focus, we also plan to develop campaigns targeted to specific groups, such as senior citizens, students, low-income populations, those with limited formal education, and any ethnic or at-risk group where English is not their first language. Another important note: the media outreach contract is complementary to, but separate from, the paid media placement contract, which covers the actual buying and reconciliation of paid media ads. I look forward to updating the Board once the CPPA has selected the media outreach services consultant and our work is underway. As a preliminary step, at a recent all-staff meeting, we polled our team to get their feedback on the areas they feel should be the focus of our outreach efforts. Overwhelmingly, they shared that outreach is needed to both consumers and businesses in all areas. For consumers, they feel we should be focused on their rights, including the right to delete, correct, know, opt out of sale and sharing, and limit the use of sensitive personal information. They also stated public outreach is needed on opt-out preference
signals, dark patterns, and what to do when you think a business is out of compliance. For businesses, they feel outreach is needed on whether the CCPA, as amended, applies to their business and what to do when a consumer exercises their rights. Of course, I look forward to the Board's feedback as well. As mentioned earlier, outreach efforts will be rooted in research so the first stage of our public affairs outreach strategy will include polling. So, as you have thoughts on topics that should be included in our qualitative and quantitative polling, please either share them with me today or, of course, after I present. Or if they come to mind, you can always send them to me via email or phone call, and I'll make sure that we fold them into our research process. One final note I'd like to share: while we are entering into the next stage of outreach efforts, we are certainly not starting from scratch. Of course, the CPPA team has spoken at conferences, talked with stakeholders and lawmakers, and made numerous strides on the outreach front. And of course, the team will continue to do all of these things. But at the same time, we'll be engaging stakeholders more fully to inform Californians of their privacy rights and how to better protect their privacy if they so choose. We'll conduct further outreach efforts to businesses about their compliance needs and their obligations under the law. And that concludes my formal remarks, and I'm happy to take any questions from the Board. Of course, I'd love to hear your comments as well.

**MS. URBAN:** Thank you very much, Ms. White. I have a couple of questions, but I want to open the floor up to the rest of the Board first if either of you have question.

**MR. MACTAGGART:** I would just say welcome. You have a giant
task in front of you. I always think that privacy is widely held
but thinly helped in terms of people. I think it's a good idea, but
when it comes time to doing something about it, they're busy, they
don't have time to figure out their phone or their settings, and
just remind them why it's important and how to take steps to
protect their privacy is important. So, you have a herculean task
in front of you, and I want to say welcome and good luck.

MS. WHITE: Thank you. Thank you for the kind welcome.

MS. URBAN: Yes, I think we all second that, and I think Mr.
Mactaggart very nicely articulated some of the views that we've
been hearing from the Board throughout our tenure and some of the
things that we care about. I also apologize. Apparently, I called
you Ms. Le instead of Ms. White. I have Mr. Le on mind because he
and Mr. Thompson were the subcommittee looking at public awareness,
and I'm sure he would love to be here to hear your presentation. My
comment, in addition to Mr. Mactaggart's, with which I fully agree,
is that this sounds like a very rich program of efforts, and I
commend you. And, as he says, you have your work cut out for you. I
was curious about the quantitative and qualitative research that is
being planned. Could you say a little bit more about that?

MS. WHITE: Of course, and I think I'll be able to share more
once we have the consultant on board. But our belief as a team
when we were writing the contract was that it was really important
to poll people and get a good feel for what they already know, what
they're interested in but they don't quite understand before we
start anything because any public outreach campaign. You know, you
need to know what your audience knows, doesn't know, before you can
really start to craft the message. Our hope is also to test these
messages before we launch the broader campaign. For example, you
know, focus groups to ensure that a proposed ad is actually
conveying the information that we want it to before we move forward
to production, to media buys, things along those lines. So, I'm a
firm believer in research prior to spending a whole bunch of money
on something that might not be hitting our target audience. So,
those are just the general early thoughts in terms of outreach,
quantitative and qualitative.

MS. URBAN: Wonderful, thank you. Thank you, Ms. White. That
makes a lot of sense to me based on my own more academic research
in the past. One of the things that we found was that people's
understanding didn't always align with what was happening in the
marketplace. Even though their understandings might have been very
reasonable, they didn't necessarily align with what was happening
in the marketplace and what theoretically they might understand
from reading privacy policies and so forth. So, research to help
make sure that the message and the information that is intended to
reach the public is actually going to be available and
understandable and have that message get to the public, I think is
really important so I appreciate that aspect of a very rich suite
of efforts in particular. Ms. de la Torre?

MS. DE LA TORRE: Yes, quickly. I wanted to join in welcoming
our new member to the team. I have a question. I understand and
appreciate all of the work that you laid out, but I was not able to
piece out of that explanation if there is going to be more of reach
out beyond-- is there going to be reach out to organizations that
engage with the community or directly to the community, and yes, in
general, and then in particular, if there would be opportunities
for some of the Board members that may wish to help with that outreach, to participate in the outreach. Thank you.

**Ms. White:** Absolutely, wonderful question. And yes, we would love to have the Board's assistance. And I know you all are very busy, but as you see fit, opportunities for you to be part of the more grassroots aspect of the campaign, which in my mind includes creating partnerships. That's the external affairs part of my job, is creating partnerships, and through these partnerships, trust in members seated within the community. If they're relaying our message to members of the community, that generally has a bigger impact on individuals. And I'm just speaking off of the research that I'm familiar with of public and outreach efforts. But when a trusted source, such as a community organization, is the one conveying the information, it tends to have more trust by the community so I absolutely agree. A real focus is going to be identifying those groups and those partnership opportunities, cultivating those opportunities, and then ensuring that the message is delivered accurately to the communities that we are targeting.

**Ms. De la Torre:** Thank you so much for sharing that. I, personally, know there are opportunities, in particular, to reach out to the Spanish-speaking community. I would love to be able to participate in those to learn more about their concerns around how their information is managed. And also, for women, given the different concerns that the collection of information has created now because of the approaches that other states are taking to women's healthcare. If there are opportunities for me to support that I will be very much looking forward to those. Of course, if there is any other way that I can support this, let me know. But
those areas are of special interest to me.

**MS. WHITE:** I really appreciate you sharing that. I will
certainly keep that in mind. And definitely, we would love to have
your assistance in both those areas.

**MS. URBAN:** Thank you, Ms. White. Mr. Sabo, do we have public
comments on this agenda item?

**MR. SABO:** So we are on agenda item 5, Public Affairs Update.
If you would like to make a comment on this agenda item at this
time, please raise your hand using Zoom's 'Raise Hand' feature or
by pressing star 9 on your phone to unmute yourself. Your name will
be called when it's your turn, and you'll be invited to unmute
yourself. And those dialing in by phone can press star 6. You'll
then have three minutes to make your comment. I'm seeing Natalie.
I'm going to unmute you at this time. Again, you'll have three
minutes. Please proceed when ready.

**MX. NATALIE:** Thank you. I just have one question for Ms.
White. I didn't hear a timeline. Do you happen to have one that we
could go by as far as in preparation?

**MS. URBAN:** Thank you very much, Natalie, and I think Ms. White
will take it under advisement. I think it is probably timely for me
to offer the disclaimer that I always have to offer, that none of
us are particularly fond of, which is that because of Bagley-Keene
and other constraints we generally-- sometimes we get a question
that can be answered right at the moment, but usually we need to
take things under advisement and come back at a future meeting. So,
thank you very much for the question. That's an important one, and
I believe that we will hopefully hear from Ms. White with some more
detail fairly soon.
MS. WHITE: Absolutely. Happy to bring it back at a future Board meeting.

MS. URBAN: Thank you so much, Ms. White. Mr. Sabo, do we have further public comments at this time?

MR. SABO: Again, this is for agenda item 5, the Public Affairs Update. If you'd like to make a comment at this time, please raise your hand using Zoom's 'Raise Hand' feature or by pressing star 9 on your phone. Last call for agenda item number 5, Public Affairs Update. Madam Chair, I'm not seeing any further hands.

MS. URBAN: Thank you very much, Mr. Sabo. Much appreciated. Thank you, Ms. White, and again welcome. We're really happy to have you here. I'm looking forward to hearing more soon on public affairs.

MS. WHITE: Thank you. Thank you so much for the opportunity to present today.

MS. URBAN: So, with that, I'm just having a look over the agenda. Let's continue with agenda item number 6. And for any of these, if things come up that we find we want to recall when Mr. Le arrives, we can do that. But let's go ahead with agenda item number 6, which is a policy and legislation update from our deputy director of policy and legislation, Ms. Maureen Mahoney. Ms. Mahoney, welcome. Thank you for joining us today, and I will hand the floor to you.

MS. MAUREEN MAHONEY: Thank you, Chairperson and members of the Board, for the opportunity to provide a legislative update. I'll cover four main topics in today's update on legislation that the staff is tracking, starting with an overview of California legislation, an update on the federal privacy landscape, and then
finally brief updates on multi-state and international engagement. And it should be about five minute. With respect to California, we wanted to make sure that several bills are on the radar of the Board. The Board may want to take a position on several of them at our next meeting, ideally no later than early- to mid-July. And again, this is just an update, not an item for formal action. We felt it was important to keep the Board informed in order to allow the opportunity for meaningful input. So first is a Bagley-Keene bill in California that would affect the Agency. SB 544 would allow state agencies to continue to hold board meetings remotely. It would require a minimum of one staffer to be at a physical location where the agency would take testimony from the public. For context, staff have been supportive of measures that would promote broader participation from the public and allow the Agency to operate more efficiently with our limited resources. So, the bill has passed out of the Senate Judiciary Committee, and it's on the Senate floor, but there was significant pushback from members of the committee who spoke in favor of requiring a quorum of Board members to be physically present at board meetings. Next, several CCPA-related bills. First, I wanted to mention SB 362, which would transfer the data broker registry from the Department of Justice under the ambit of our agency and creates a global deletion system so consumers can delete their data from all data brokers in a single step. The Agency has provided technical feedback on the bill and a fiscal estimate to Senate Appropriations. Next, AB 947 would add immigration and citizenship status to the definition of sensitive personal information under the CCPA. AB 1546 would align the AG statute of limitations under the CCPA with the Agency's. So, the
Agency's is five years. The DOJ's is one year. So, this would raise
the DOJ's statute of limitations to five years. AB 1194 would
strengthen reproductive privacy protections by clarifying that CCPA
exemptions don't apply when it's related to searching for or
procuring contraception or abortion services, for example. And the
next, AB 331, has to do with automated decision-making. That would
prohibit deployers of automated decision-making systems from using
these technologies in a way that results in algorithmic
discrimination. It requires impact assessments and provides for an
opt-out of automated decision-making. So, this did raise concerns
for staff in that the Legislature is seeking to step into an area
where the Agency is already tasked with issuing regulations. So,
we've flagged our concerns in that respect for the author. Next,
I'm going to move on to the federal update. So, we have an update
on the American Data Privacy and Protection Act, the ADPPA. As you
know, the Board voted last July to oppose the bill as currently
drafted as it could significantly weaken California's privacy
protections by seeking to preempt nearly all the provisions of the
CCPA and other state privacy laws. The bill advanced out of House
Energy and Commerce last year, but it didn't advance further than
that and died at the end of the year, at the end of the session.
However, the political landscape is different with the Republican
majority in the House, and House E&C has done, you know, six
hearings on privacy. The chair, McMorris Rodgers, put out a recent
statement indicating that the committee is still very interested in
a preemptive federal privacy bill, although we understand that
there are concerns in both houses about the bill in its current
form. The bill has not yet been reintroduced as of when I last
checked before this meeting, suggesting that stakeholders are still negotiating the language of the bill. However, our understanding is the new ADPPA could be introduced soon and marked up and even hit the House floor this spring or early summer and cross over to the Senate, where it will likely face more resistance. It'll likely be even less privacy-protective this year. In terms of engagement, the Agency has been coordinating closely with the California Legislature, the attorney general, and the governor's office, and I'm actually currently in the D.C. area in advance of legislative briefings, including a presentation in front of the California congressional delegation this week on the bill. Other legislation that we're monitoring on the federal level that could affect Californians is Senators Blumenthal and Blackburn’s Kids Online Safety Act, which was just reintroduced. The previous version advanced out of Senate Commerce last summer. The introduced bill requires covered platforms to act in the best interest of minors, defined as under 17. Another bill that was just reintroduced in the Senate, an update to the Children's Online Privacy Protection Act, Senator Markey and Cassidy's Children and Teen Online Privacy Protection Act, also known as COPPA 2.0 to extend COPPA's opt-in to data collection requirement to teens and prohibits targeted advertising to children and teens, among other protections. We're watching both to monitor the impact on California's privacy rights, and both bills could advance out of the Senate this summer. Next, a brief multi-states update. There have been a lot of developments in the states with respect to privacy. A handful of states recently adopted, or appear very close to adopting, privacy laws, including Montana and Texas, which both have a number of similarities to the
CCPA. We've been monitoring these closely and providing technical assistance to encourage consistency in privacy protections with our law where possible as directed by our statutes. And then finally, with respect to international developments, as you know, the Agency is already a member of the Global Privacy Assembly, an international body of over 130 data protection and privacy authorities. And I just wanted to briefly mention that the Agency has recently been approved to join the Asia-Pacific Privacy Authorities, or APPA. It's for privacy agencies in the Asia-Pacific region to share information and ideas about privacy law, technological developments, and addressing consumer complaints. And in general, we expect to step up our engagement in international bodies in the coming years to help encourage consistency in privacy protections. So, thank you. I'm happy to answer any questions and welcome any feedback that you have.

MS. URBAN: Thank you very much, Ms. Mahoney, for this apparently comprehensive, certainly complex, set of updates. Just as a clarifying question, I apologize, I was jotting things down as you said them: the law that relates to data brokers, I missed, is that SB 362?

MS. MAHONEY: Yes, correct.

MS. URBAN: Okay. I didn't manage to get the number when you said it, and I just wanted to match it up in my head with what I was familiar with. Thank you so much for that. So, Mr. Soublet, I realize that it would not be appropriate for us to take positions on any of this. I don't think Ms. Mahoney is asking us for that at this time, but because that would have to be specifically noticed on the agenda. Is it appropriate, however, for us to sort of talk
about these bills as a board?

MR. BRIAN SOUBLET: It would be appropriate to talk about it but not to take any action with respect to it because they haven't specifically been listed as items that would be— that action would be taken on the agenda.

MS. URBAN: Thank you. Thank you, Mr. Soublet. And, Ms. Mahoney, could you also give us a little-- I know we talked about this when we worked on setting the regular meetings for considering legislation, one of which will likely be in July because of the California legislative schedule. But could you give us a little bit of an update? I understand the federal schedule from what you said, but for the California schedule, how do these bills fit into their decision-making process?

MS. MAHONEY: Sure. Well, a general overview of the California legislative session is that as bills are introduced in the first house, they would have to advance out of that first house by June 2nd. And then the California legislative session ends September 14th so bills would have to advance out of the Legislature by that point, and then the governor would have about a month to sign those bills. So, you know, most bills are still in the first house at this point, but soon, you know, we'll get a better sense of which ones are moving forward into the second house.

MS. URBAN: Thank you. Thank you very much. Okay. Questions or comments from Board members? I would just say, wow, privacy continues to be on the legislative agenda, and that's exciting. Mr. Mactaggart, and then-- I apologize. Ms. de la Torre was first and then Mr. Mactaggart.

MS. DE LA TORRE: Okay, thank you. Thank you for the
brief presentation. I appreciate receiving that information. It sounds like in the future, we might have an opportunity to have a conversation depending on what moves forward, and I look forward to that. Could we have an understanding of what kind of information will be prepare by your office so that we can prep for that? Are you going to provide summaries of those proposals that we think are moving forward, maybe a recommendation from the Agency? What should the Board expect to prepare for that meeting?

**MS. MAHONEY:** Thank you for that question. Yes, exactly. So, this was just intended to be a brief overview to put it on your radar, and then we'll provide much more detailed information in advance of any meeting where the Board would be expected to take a vote. So, we'll be providing a bill summary analysis of provisions to pay particular attention to and then staff's recommendation. So, overall, it'd be quite similar to the information that we provided on ADPPA when the Agency took a position on the bill last year.

**MS. DE LA TORRE:** Okay, thank you so much. Well, I have a second question related to the membership of the Agency in different organizations that enable interaction between enforcement agencies. I appreciate the update. I'm very glad to hear that we're moving in that direction. I have a very concrete question, and then a general question of how the Board is integrated into that. So, my concrete question is have we reached out to join the Ibero-American Data Protection Network? Is that in our radar? Is it a group that brings together all of the data protection authorities in Latin America? I know the FTC often attends those meetings as well. And the secretary for that group is the Spanish agency. Is that in our radar?
Ms. Mahoney: That hasn't been yet. So, I really appreciate you flagging it, and we will definitely look into that further.

Ms. de la Torre: Happy to provide information and connections so that we can explore that possibility. In terms of these different networks and just events that enable connectivity with other agencies, is there going to be an opportunity for members of the Board that might want to attend some of those meetings to volunteer to participate? And how will that be handled? Are we going to maybe see a projection of next year? We're going to attend this and that meeting at the Board meeting, and then perhaps members that are willing to volunteer to join those meetings can have that conversation, or is that something that maybe might happen more in the background through the chair or through the staff of the Agency. It's okay if we don't have a concrete idea. I just want to understand what we are thinking.

Ms. Mahoney: Good question. Correct. We don't have a concrete idea yet. We're still, you know, feeling out these different organizations to figure out how the Agency might want to engage. But certainly, you know, Board member input would be appreciated.

Ms. de la Torre: Thank you.

Ms. Urban: Thank you, Ms. de la Torre. And do I understand, Ms. de la Torre, I think that I understood that you were expressing— I don't want to put you on the spot. But that you were expressing an interest or willingness to be involved with—?

Ms. de la Torre: I think so. In the past for the last year global meeting, I remember that there was a conversation but, I apologize, I don't remember if it was part of the Board meeting or maybe a conversation with the staff on whether members of the Board
might be interested and available to join that meeting. I don't-- I recall that none of us were there, but I was just wondering if there's going to be like a process at the beginning of the year where we say, you know, we're going to attend all of these meetings that typically involve international travel, and I understand that there has to be some coordination because only two members can attend. So, I was trying to figure out how we are thinking about that.

MS. URBAN: Okay, thank you. Well, I was-- okay, I will not put you on the spot. I was thinking maybe we could gather interest or willingness, but yes, that's helpful. Thank you, Ms. Mahoney, for thinking about that for us. Mr. Mactaggart?

MR. MACTAGGART: Thanks. So, a couple of points. The first one has to do with the legislation in California. So, am I understanding-- and I'm sorry. I'm not sure I heard the-- or I'm not sure I listened closely enough to your answer to Ms. de la Torre there. With respect to the Agency or the Board, you know, taking a position on the legislation, are you going to-- is the staff planning to come back to us to recommend us that we take a position on anything at a later date once it looks like something, you know, before, I guess-- because if a threshold-- if a timing is approaching for a committee hearing wouldn't it be, I think, useful for people to know how we stand on these things. So, I'm kind of wondering about whether that's our plan for a future meeting?

MS. MAHONEY: Yes. You know, ideally, the Board would be able to take a position no later than early-to mid-July. So, staff will be coming back to members of the Board with legislation that they may want to take a position on with a detailed memo about the bill
and the staff's recommendation.

**MR. MACTAGGART:** In case it's helpful just on that, you know, with respect to this one-year statute of limitations versus the five-year, that was certainly not something that I intentionally put in the, you know, in the drafting. So, I think that's a very helpful fix and to the extent that's useful in your review of things. And then the second thing, and not to put you on the spot in case you're not, you know, an expert but certainly you're more expert than I am, just in terms of good, indifferent, bad or more privacy protections, middle of the road, and less privacy, with respect to the-- you were talking about Montana and Texas, other legislation that's being considered that's passed or passing-- I think it could be useful for folks to know what your thoughts are on other states' legislation.

**MS. MAHONEY:** Sure. So, we are seeing a variety of different bills, some, you know, a bit closer to California than others. Some of the main things we're looking for when we provide technical assistance or evaluate legislation in other states is whether or not it's easy for consumers to exercise their rights. For example, is there a requirement for businesses to honor browser privacy signals as a global opt-out? Is there a prohibition on dark patterns and obtaining consent, making it more likely that consumers are able to exercise their preferences? You know, we also look to the definitions to see that they're comprehensive. So, I pointed out a couple, Montana and Texas, they do have a number of those provisions: you know, our requirement with respect to a global opt-out on our browser privacy signals, prohibitions on dark patterns, and a bit more comprehensive in the information that they
cover. Other states, you know, for example, Iowa and Indiana, have preferred, you know, models that are a bit closer to what we've seen in Virginia and Utah, that are a bit less easy for consumers to exercise and generally narrow provisions and definitions.

**MR. MACTAGGART:** Great, and just out of interest, are we getting a lot of requests from other states, from legislators, "Hey, can you look at this? Is this good? Is this bad?" Is this something that we're seeing a lot of from the Agency? To us?

**MS. MAHONEY:** Increasingly, we are. We're still a relatively new agency so a lot of our work is just to raise awareness, to, you know, let folks know that we're out here to be a resource. But states like Vermont and Hawaii have asked us to testify before their committees to provide an overview of the California law so that they're aware of what's already being required of many companies.

**MR. MACTAGGART:** I guess my comment here, Chairperson Urban and the rest of the Board, and to Director Soltani, would just be I'm a huge fan of any assistance we can provide to other states. And obviously, we're a bit further down the runway than some, most of the states, so I think it's well worth devoting resources to sort of proselytize about privacy around the country. So, well done. I'm glad you're doing this.

**MS. URBAN:** Thank you, Mr. Mactaggart. 1798.199.40. Is it 'l,' Mr. Mactaggart? I like to tout that one.

**MR. MACTAGGART:** Pardon. Pardon. Sorry. Say that again? I missed that.

**MS. URBAN:** 1798.199.40 maybe 'l?' I think it's 'l.'

Cooperating with other jurisdictions and working to have privacy
laws that work together. Anyway, I like to tout that whenever I'm
talking with anyone because I think it's really important, and it's
in the spirit of what you were saying to Ms. Mahoney.

    MR. MACTAGGART: Yeah, it is 'l.'

    MS. URBAN: Okay. Alright. Thank you so much, Ms. Mahoney. I
have quite strong opinions on Senate Bill 544. I think that it
would be terribly short-sighted of the Legislature not to provide
more flexibility in board meetings and the public's ability to
attend board meetings. It is far more accessible for many people to
be able to attend by Zoom. It is more accessible if you are not in
the area where the board is physically. It's more accessible for a
lot of people with disabilities. It is potentially more accessible
for board members who have jobs and children and disabilities and
things like that. So, I do understand the desire to have a physical
space where people can go, and so the bill seems to have that as a
component. But I confess myself slightly frustrated with the
opposition to providing more accessible options for everybody who's
involved so that we can all serve the public as effectively as
possible. I was wondering about the Senator Blumenthal and
Blackburn’s bill. And, as Mr. Mactaggart said, I also don't want to
put you on the spot if this bill isn't fully baked or you're not
fully familiar with it, but I was wondering if you had any comments
on how it related to the Age-Appropriate Design Act in California
that was passed last year. Is it a similar model? Is it different?
Is it trying to do something differently or the same? I just, I
don't know it very well, and I don't have a good picture in my mind
for it.

    MS. MAHONEY: Sure. So, I'd say that the intent is largely the
same: to place more responsibilities on businesses to put
children's best interests front of mind. And then, you know, the
Kids Online Safety Act is a little bit more focused on providing
parents and children with consumer-friendly tools in order to
exercise their preferences, whereas Age-Appropriate Design Code
focuses a bit more on, you know, establishing several default
protections to strengthen privacy. So, I would say overall they
have kind of general intent, but certainly, the devil’s in the
details in terms of how they implement those protections.

**MS. URBAN:** Thank you, Ms. Mahoney. And does that bill, do you
know if it currently has a preemption provision?

**MS. MAHONEY:** It does speak to preemption to a certain extent.
You know, it's largely silent on preemption. But there are certain
areas of law that are carved out of preemption. For example, with
respect to student privacy. So, how it relates to California or how
it would affect California law will be fact-specific and require
kind of a detailed analysis of how the provisions of the bill
interact with California law.

**MS. URBAN:** Wonderful. Thank you. Mr. Sabo, do we have public
comments, or would you mind calling for public comments if there is
any on this agenda item?

**MR. SABO:** Yes, we are on agenda item 6, Policy and Legislation
Update. If you'd like to make a comment, please raise your hand
using Zoom's 'Raise Hand' feature or by pressing star 9 on your
phone. Your name will be called when it's your turn. You'll be
invited to unmute yourself. Those dialing in by phone may press
star 6 to unmute. You'll have three minutes to make your comment.
First, we have Natalie. Natalie, you have been unmuted. Again, you
have three minutes. Please proceed when ready.

MX. NATALIE: Thank you. This is for Ms. Mahoney. It was-- when you were mentioning the bills, you said Senate Bill 544, and then there was Senate Bill 362, but I missed the one in between. Can you just provide me that number? I could go ahead and research it on my own.

MS. MAHONEY: Chair, should I go ahead and respond?

MS. URBAN: My apologies. Yes, if you have it handy. Yes, my apologies.

MS. MAHONEY: Alright, thank you for the question. The bills that I discussed related to California are SB 544; SB 362, the data broker registry bill; AB 947, which would add immigration and citizenship status to the definition of sensitive personal information; AB 1546, the statute of limitations bill; AB 1194, which has to do with CCPA and reproductive privacy; and then AB 331, which has to do with automated decision-making.

MX. NATALIE: Okay, great. Thank you.

MS. URBAN: Thank you very much, Natalie. Mr. Sabo, do we have further public comment?

MR. SABO: Yes, next we have Josh Brewer. You've been unmuted. Again, you have three minutes. Please proceed when ready.

MX. JOSH BREWER: Hello. Can you hear me?

MS. URBAN: We can. Please go ahead.

MX. BREWER: Thank you for the opportunity to comment on this. I would just-- I would love to see the Board in kind of its trailblazing position and data privacy law in the country and as so many other states kind of look to California to set the trend on things. I would love to see more robust definitions in upcoming
legislation around AI. And for example, there's an attempt in this AB 331-- there's an attempt to get into some of that by talking about algorithmic discrimination and artificial intelligence automated decision tools. There's an attempt to kind of get into what do these terms actually mean, but I would love to see more robust definitions. For example, I represent a client that hires, and they use an automated tool to assist in hiring. But they program the tool with just yes/no questions. For example, if I'm hiring a chemistry professor, they're going to ask the question, "Should the chemistry professor have a master's in biochemistry, yes or no?" And so, to me, even though that's automated, the system is automatically going to screen out candidates that do not possess that. That's-- that's an automated decision. I don't consider that to be algorithmic. I don't think that that's AI involved in screening that candidate. But again, I think the way that this bill and a lot of bills throughout the nation are worded, I think it's a gray area of when do we cross the line into algorithmic or into artificial intelligence? So, to the extent that you guys have the way to influence that type of legislation, I would love to see more robust definitions and really give us a clear idea of when is artificial intelligence considered artificial intelligence if that makes any sense. Thank you for the time.

MS. URBAN: Thank you very much, Josh, for the-- for the comment. Much appreciated. Mr. Sabo, is there further public comment?

MR. SABO: Again, this is for agenda item 6, Policy and Legislation Update. If you would like to make a comment on this agenda item at this time, please raise your hand using Zoom's
‘Raise Hand’ feature or by pressing star 9 if you're joining us by phone this morning. Your name will be called when it's your turn, and you'll be invited to unmute yourself. This is the last call for agenda item 6, Policy and Legislation Update. Madam Chair, I'm not seeing any additional hands.

MS. URBAN: Thank you very much, Mr. Sabo. I appreciate it, and I appreciate the public comments on this agenda item. Ms. Mahoney, we very much appreciate all the work that you're doing to track policy and legislation and help provide the support to those who are working on bills in our area that you discussed. I also, before you leave, I do also want to express my deep gratitude to you for all the pinch-hitting you've done throughout the last year. Ms. Mahoney joined us just about a year ago, and she's been pinch-hitting on public affairs, for example, until Ms. White joined us, while at the same time demonstrating her obviously deep expertise, thoughtfulness, and ability to juggle a lot of different pieces of information at once in helping us keep track of and fulfill our role with regards to policy and legislation. If I recall correctly, Ms. Mahoney, you joined us not long before we released our draft rulemaking package for Board discussion in May of 2022. We, soon thereafter, had a Board meeting, our first in-person Board meeting, and Ms. Mahoney came to the Board meeting, and our deputy director of policy and legislation sat behind a table and checked people in and handed out masks and has just generally been more than willing to do what is needed as we build the Agency, and I wanted to just thank you, Ms. Mahoney, for being such a stellar member of the team, both within the realm of your own expertise and in general, as we've been growing. So, thank you so much for all of that. We
really do appreciate it. Thank you for the update, and we will look forward to discussion of the bills that live for which you need to give us advice and need us to take a position when the time is appropriate. Thank you so much, Ms. Mahoney. Okay, let's go ahead and move to agenda item number 9, which is Public Comment on Items Not on the Agenda, to give everyone an opportunity to let the Board hear what they would like. We will return to other items on the agenda later in the meeting. If we can go ahead and do that, let me just scroll down there on the agenda and make sure I have the number correct. Alright. It is agenda item number 9. As a reminder, the panel, or the Board members who are here, may not discuss or act on any matter raised during this public comment section, except to decide whether to place the matter on the agenda for a future meeting. It may at times seem as though we're being unresponsive, and we do not intend that. It is simply important for us to do this in order to comply with Bagley-Keene and make sure that both the Board's goals and the speakers' goals are best met. So, we will listen today if you have public comments on anything not on the agenda, but we won't be able to respond in the moment. With that, we will look forward to anything anyone has to say from the public. If there is anyone, Mr. Sabo, please call for it now.

**MR. SABO:** We're on agenda item 9, Public Comment on Items Not on the Agenda. If you'd like to make a comment, please raise your hand using Zoom's 'Raise Hand' feature or by pressing star 9 on your phone. Your name will be called when it's your turn, and you'll be invited to unmute yourself. Those dialing in by phone can press star 6 to unmute. You will have three minutes to make your comment. Again, this is for agenda item 9, Public Comment on Items
Not on the Agenda. If you'd like to make a comment, please raise your hand using Zoom's 'Raise Hand' feature or by pressing star 9 if you're joining by phone. This is the final call for agenda item 9, Public Comment on Items Not on the Agenda. Madam Chair, I'm not seeing any hands this time.

**MS. URBAN:** Thank you very much, Mr. Sabo. In that case, perusing the agenda, we have talked about strategic planning. We've talked about public affairs. We've talked about policy and legislation. That leaves us with the discussion, an update and discussion, of our annual Board meeting calendar and regulations proposals and priorities and the New CPRA Rules Subcommittee update. Mr. Le is a member of the New CPRA Rules Subcommittee. The regulations proposals and priorities discussion should really have us all here, and I know that Mr. Le expressed some thoughts about the calendar in our last meeting and before. So, what I'd like to do is take a recess to give him time to arrive since he has been delayed through no fault of his own. And suggest that we recess until noon. Yes, Mr. Mactaggart?

**MR. MACTAGGART:** Madam Chair, can I just ask what the policy is on this? Because last time I was not able to make the meeting, and it was held without me.

**MS. URBAN:** Actually, Mr. Mactaggart, we talked about some things, and then we made sure that we did not talk about items like this without you.

**MR. MACTAGGART:** Yeah, I just-- okay, I'm a big fan of Mr. Le. I just-- I feel like if there's a policy around this, it would be helpful for everybody.

**MS. URBAN:** Thank you. I will take that under advisement, and
this is also a bit of an emergency situation so it was not expected. There wasn't really any way to plan for it. In any case, I would like to go ahead and take a recess and see everybody back here at noon Pacific Time, and I will look forward to it. Mr. Sabo, will you be able to keep the meeting open?

MR. SABO: Yes.

MS. URBAN: Okay, great. Thank you.

[Recess]

MS. URBAN: We are waiting for Mr. Mactaggart it looks like. Alright, we'll give him a minute or two to join. And Mr. Sabo, are you ready whenever we are?

MR. SABO: I'm always ready.

MS. URBAN: Thank you, Mr. Sabo. Alright, now that Mr. Mactaggart has joined us, let's come back from recess and restart the meeting. This meeting of the California Privacy Protection Agency Board is returning from recess at 12:03 pm on Monday, May 15th. Welcome back everyone. Welcome to the meeting, Mr. Le. We're very pleased to see you. For Mr. Le's benefit, and the benefit of anyone who may be joining us after not having attended all of the earlier part of the meeting, let me just explain where we are in the agenda. So we have completed agenda items 1 through 3, so that's through the Strategic Planning Update. We've also completed agenda items 5 and 6, the Public Affairs Update and the Policy and Legislation Update, and agenda item number nine, which is a time for public comment for items not on the agenda. We have remaining to discuss today agenda item number four, which is our Annual Board Meeting Calendar Update, agenda item number seven, Regulation Proposals and Priorities
Discussion, and agenda item number eight, a report from the New CPRA Rules Subcommittee, and number 10, Future Agenda Items, in addition to Adjournment. So, thank you all very much for rejoining. And Mr. Le, I do apologize that you missed some of the discussions. I'm sure staff would be more than willing to update you on what was discussed under those items. With that, let's dive into agenda item number four, the Annual Board Meeting Calendar Update. For this agenda item, Executive Director Ashkan Soltani, will be providing us with an update consisting of the regularized calendar that has been discussed over the course of several Board conversations over the last few months. As hopefully everyone will recall, the Board has simultaneously been working on what I’ve referred to as substance rulemaking at the moment, some public awareness work, along with some legislative review. With Ms. White’s update, I think we’re all excited about more public awareness work, and with Ms. Mahoney’s update, I think we’re anticipating perhaps some more legislative review, and some building work where we are building out our practices, policies, and of course, the Agency itself. So, we discussed regularizing discussions of topics that are perennial, especially those that happen on state calendar cycles where our input needs to fit smoothly into those. This includes, for example, the legislative cycle, the budget cycle, and the regulations cycle. We've talked about individual items to slot into those over several meetings. We talked about the budget in December. We talked about legislation in December. We talked about rulemaking in March. The materials for those, including explanatory memos from staff, are all available under the relevant meeting on our meeting page. And we had an extended discussion about a regularized calendar in
general on our March 3rd meeting, but it's something we've been
talking about for a while. I think there's been a general desire on
all of our part to be able to have something that we can use to
sort of just plan ahead and know what's coming. Understanding, of
course, that things also come up, and there will be additional
things. So, staff have been working to implement this plan, and I
will turn it over to Mr. Soltani to bring us up to speed. Thank
you, Mr. Soltani.

MR. ASHKAN SOLTANI: Thank you, Chairperson Urban, and thank
you all. First off, I just wanted to say happy Privacy Awareness
Week and happy Mother's Day yesterday to everyone's families. Some
of you might be aware it's Privacy Awareness Week here in
California. And I wanted to thank staff for all their updates,
demonstrating how far the Agency has come along in those days since
my— as Chairperson Urban outlined back when the exec team was also
handing out masks and setting up furniture at our Board meetings.
So, I wanted to particularly want to flag that Ms. White left out
all the amazing work she's done already in the short month that
she's been with us both internally, we had Public Service
Recognition Week last week, but publicly as well for our APPA
announcement that was Ms. Mahoney mentioned, as well as Privacy
Awareness Week, which starts today. We will be putting out a set of
announcements over the course of the week to help inform
Californians of their risks to their privacy including highlighting
the recommendations by sister agencies like the DOJ, FTC, and even
organizations like the AARP. I understand our first post already
went up to social media today so just wanted to share that as
Privacy Awareness Week, and I hope that it's the first of many
efforts as we do to raise awareness. So, with that, I'll just jump into the opportunity to present the regularized calendar. And as Chairperson Urban highlighted, this is an accumulation of all the various items Board members have brought up or staff have recognized are necessary to discuss over the course of the year. It's modeled mostly after what other boards and bureaus do, although many just meet quarterly for multiple days at a time to conduct board business. However, based on the conversations in the March and December Board meetings, I understood the Board to prefer to meet more frequently. So, we chose six times over the course of the year, and the calendar was designed to meet and discuss certain items at appropriate times. For example, before we begin budget planning or to respond to pending legislation, as Ms. Mahoney highlighted. Note the proposed calendar only shows regular items. It doesn't include additional topics that may come up in addition to additional meetings that may come up, for example, for rulemaking or, you know, enforcement actions or even, you know, emergency or other meetings that come up like the one we did last summer. One last point: certain items that will occur will be their first occurrence, and so we may move those up in the calendar, which I'll get into in a second. And that will allow the Agency to get certain tasks underway for this year, and then we'll fall under the regular calendar. Importantly, in order to implement the calendar, we had to identify dates that don't conflict with state holidays and provide us ample time to notice the calendar in accordance with the Bagley-Keene. And we've looked carefully at the state holiday calendar. We've looked at availability, and we've identified the second Friday of the proposed months: January,
March, May, July, September, and November with one slight adjustment for potentially one holiday. And this is the regular date that the Board will be set to meet. And importantly, you know, these dates will also let us schedule things like the-- and plan for the in-person meetings, right? So, under Bagley-Keene, we’ll need to now plan quite a bit ahead in terms of travel and booking a location, etc. Mr. Sabo, do you mind sharing that calendar, and I'll walk through? Great, thank you. And so if you can zoom out a tiny bit. In January, as the budget will be the planned January 10 budget and BCP discussion will occur, and then the Board can provide input at that point, as we did this year, to provide direction for budget changes, spring and May Revise. In March, we'll go over the public awareness priorities, although as I mentioned, we decided to do that one this month here in May as we just had our public awareness-- public affairs director start. May, this month, we're doing the regulations-- the biannual or twice a year regulations proposals and priorities. And so we're going to do that here in May and again in November. And that's where the Board will discuss the priorities-- the regulations priorities until the next time we meet. That's again separate from the actual substance of regulations, where we meet-- the Board meet to discuss and approve or, you know, regulations, etc. In July, this is when we will meet to hear and take positions on pending legislation. And as Ms. Mahoney laid out, that's opportune time as it traverses from the first house to the second house, you know, importantly as bills get through Appropriations and on their way to the second house. That's also the time where we wanted to meet to discuss the budget plan for the next year's BCP. So, you know, we have to prepare
those in the fall and so getting started in the summer is ideal so we can start doing the research for hiring, etc. September, we had slated for enforcement, the annual enforcement report out on priorities. However, as we haven't started enforcing yet, we plan to potentially do this one in July, just when we have the deputy director of enforcement start and just give the Board-- we won't have to read out, obviously, but the Board will have some ability to understand and provide input on enforcement priorities. September is also when we need to do some administrative tasks like things like the delegation of authority, as well as a hiring update. I know one Board member had asked for reports on our diversity and inclusion metrics, which we will have through the state process at this point, but that occurs every August. And then lastly, again, in November, we'll have an opportunity for the Board to consider and suggest potential legislative proposals that the Agency wants to put forward. Our biannual or twice a year regulations proposals and priorities discussion, along with the one we have in May. And then, in addition, our-- my annual review, which we performed, or what you all performed, last year. So, I'll leave this up on the screen for a second if folks want to ask any specific items, or we can stop sharing, and I'm happy to take input or answer any questions that come up.

**MS. URBAN:** Thank you so much, Mr. Soltani. I'd also just like to highlight that the biannual regulations proposals and priorities, this is the discussion of collected items, priorities for coming efforts with regards to items that occur to Board members they would like to alert staff to. As we've discussed, there's both the opportunity to alert staff individually at that
time and also when we do the Future Agenda Items, if you’d like to alert everybody in the public setting, then please do bring them up at that time as well. These are not at all mutually-exclusive options, and I have made a note to myself to remind people of that each time we do the meeting. So, I just wanted to be sure that we were clear about that because we talked about both of these things at one time, if I recall correctly, in the last meeting. And I'd also like to thank you and Mr. Laird, who I know worked really hard to make all the different calendars, budget, the legislative, and all that fit together, and to everybody in advance for what I know will be a significant logistical lift in order to send us back to in-person meetings because we'll have to get space and audiovisual equipment and all of that. So, thank you very much. Questions or comments from Board members? Please use the 'Raise Your Hand' function if you can. Oh, actually, now that the screen is no longer shared, I can see you so either one. Mr. Mactaggart?

**MR. MACTAGGART:** Sorry. Director Soltani, could you just clarify? I didn't quite catch what you said, and maybe it was what the Chair just said, but the regulations in May, and then you said something, but that's not also the meeting. What was that? What were you saying?

**MR. SOLTANI:** Sorry if that’s unclear. So, the May and November biannual or twice-- twice-yearly regulations proposals and priorities is simply the meeting where the Board will bring up or will discuss regulations items that have been brought up over the course of the year or regulations items that the Board would like to see worked on. That's not the actual meeting where we, the Board, meets to review the, you know, the regulations package
that's put forward, right? So, if you recall last fall, the Board met to approve kind of revisions to the regulations or met in, I think, in February to finalize the regulations. Those are separate from these meetings. They could very well occur on one of these months, or they could have their own separate meeting.

MR. MACTAGGART: So, how are you envisioning this happen if, you know, there's three or four regulations that Board members sort of support and it comes up? So, are you suggesting there be a separate standalone, or would it just be, oh, on these two dates is when we kind of consider all the ones that come up and have staff recommendation?

MR. SOLTANI: Yeah, all the new ones that come up essentially or when we want to reprioritize things because essentially this gives us the six-month roadmap of what staff can work on in between that time and start pulling together different packages. I know today, Ms. Kim has her regulations priority discussions, which capture a number of the suggestions the Board has made over the course of the last really year or so of regulations, topics, and items, as well as things staff have identified through the rulemaking process that may need to be addressed. And so today we'll talk about how to order that list and what's missing off that list and what staff should prioritize working on, recognizing that we also have a major regulations package that we're working on as part of the New Rules Subcommittee work. So, it's really, you know, these times to figure out how to dedicate staff resources and on to what.

MS. URBAN: Although I believe if there were an emergency, of course, we've would, you know, something urgent, we
would address it at that time. The other thing that I don't know that I heard you say, Mr. Soltani, but might be helpful: Ms. de la Torre and I went to rules school, but I don't think anyone else has had the opportunity. I highly recommend it. But OAL, the Office of Administrative Law, generally wants us to give advance notice of our rulemaking for a year, and so that November meeting gives us an opportunity to help staff prioritize so staff can meet that requirement as well. Okay, thank you. Other comments or questions? Ms. de la Torre? You're on mute.

MS. DE LA TORRE: Apologies, I was on mute. Thank you, Chairperson, and thank you, Director Soltani, for putting this together for us. I just wanted to confirm a couple of things. I think I heard you say that it will be the second Friday of the month that we should kind of block for these meetings to occur. Is that--?

MR. SOLTANI: That’s correct.

MS. DE LA TORRE: I heard correctly? Okay, thank you. And then the second thing, and I think that you pointed to this, that this is what we know is going to happen every year, but there’s going to be different things that happen that don't repeat over the years. This year, I anticipate from the subcommittee where I work, the New Rules Subcommittee, there is going to be a need for time, Board time, to discuss, you know, the different options for those rules and eventually process those rules. So, that's not included here. We will overlay it on the calendar as we think it's appropriate. And then the second thing that I have been thinking about for a while is I asked a while back about hiring of the auditor, which I understand to be a Board-selected position, and I imagine that we
will have to do the interviews as we did prior as a board. And that I'm not sure how it fits with the calendar, but I just wanted to express that since we are going to in-person meetings, and I recall in the interview it takes a lot of time to do interviews, and unfortunately, we didn't get that done in time to take advantage of the Zoom version of meetings, I will appreciate if we could think about how to streamline that interviewing process. I don't know if maybe we can create a subcommittee or just do things in a way where we try to streamline the time that the Board has to dedicate to that hire because I would prefer to avoid meetings that go over four hours, if we could. Again, thank you for your work.

**MS. URBAN:** Thank you, Ms. de la Torre, and yes, at least my understanding, and staff has not disabused me of this, is that we can fit other items as needed into these meetings. We can also look for times for one-off meetings if we have spillover items or we have items again that come up that need to be addressed before they could be addressed on the calendar. It's very helpful to, again, I've noted that down again here, your thoughts about timing and very helpful to think about the chief privacy auditor in light of in-person meetings. I believe, please don't hold me to this because I will ask counsel to be sure, but I believe that we will need to be in-person, but we would be able to ask interviewees to Zoom. However, that said, it is absolutely the case that we should try to be as efficient as possible with that position. So, thank you, Ms. de la Torre. Any other comments or questions? Mr. Le?

**MR. VINHCENT LE:** Yeah, I just wanted to add that, you know, I appreciate staff for putting together this regular schedule. I know we've been asking for this, and I appreciate having, you know, much
advanced notice of when we'll be reviewing certain topics. So, thank you, Director Soltani, and thank you, staff, for putting this together.

MS. URBAN: Thank you, Mr. Le. Well, I think we have some expectations in hand, which is wonderful and can do some planning ahead. This schedule is on the website with the other meeting materials, right, Mr. Soltani, so we can refer to it? Wonderful. Thank you very much. Mr. Sabo, would you please ask if there’s public comments on this item?

MR. SABO: We are on agenda item 4, Annual Board Meeting Calendar Update. If you'd like to make a comment on this agenda item, please raise your hand using Zoom's 'Raise Hand' feature or by pressing star 9 on your phone. Your name will be called when it's your turn, and you'll be invited to unmute yourself. Those dialing in by phone may press star 6 to unmute. You'll then have three minutes to make your comment. Again, this is for agenda item 4, Annual Board Meeting Calendar Update. If you'd like to make a comment, please use Zoom's 'Raise Hand' feature or press star 9 if you're on phone. This is the last call for public comment on agenda item 4, Annual Board Meeting Calendar Update. Madam Chair, I'm not seeing any hands.

MS. URBAN: Thank you very much, Mr. Sabo, and thanks to everyone for their thoughtful comments to the executive director, and thank you again, Executive Director Soltani and staff, for all the work on this. I will look forward to seeing it in operation.

MR. SOLTANI: Okay, thank you all as well. I just wanted to appreciate how much this helps with the, if we do go in-person, how much this will help for planning so thank you all for
supporting this calendar. Thank you.

MS. URBAN: Thank you, Mr. Soltani. With that, let's move to agenda item number 7 entitled "Regulations Proposals and Priorities Discussion." I would ask everybody to turn their attention to the chart that is included in your meeting materials for today under this agenda item, and that's on the website if you need to obtain it. This is our first semi- or biannual-- I think I've looked this up many times and indeed you can use both for both, which is very frustrating. Anyway, twice yearly-- discussion of collected rulemaking proposals and rulemaking priorities. To place this in context, our major package updating the CCPA regulations in light of the California Privacy Rights Act was approved and took effect on March 29th. And we are, as Executive Director, Soltani mentioned a minute ago, presently in the midst of preliminary rulemaking activities on some important topics related to automated decision-making, cybersecurity audits, risk assessments, and I'm sure Ms. de la Torre and Mr. Le will let us know if I left something out when we get to the next agenda item. We'll hear further from them in a little bit. As a reminder, this is our regularized discussion of the item staff has had a chance to preliminarily review and is ready for us to discuss and prioritize. If you have new items, you can bring them up for potential inclusion under today's agenda item for future agenda items or alert them separately. With that, I'll ask again everyone to turn your attention to the chart, which I believe Ms. Kim is going to refer to, and turn it over to Ms. Lisa Kim, our Senior Privacy Counsel and Advisor. With my thanks, Ms. Kim, please go ahead.

MS. LISA KIM: Thank you. Good afternoon, everyone. So, as
discussed throughout the previous rulemaking meetings over the last year, staff have compiled a list of suggestions for additional rulemaking topics for consideration and prioritization by the Board. This list basically includes a few buckets. First, they include topics previously considered by the Board in our initial draft of the regulations but were held back to ease implementation. Secondly, it includes topics that were identified by the Board that were not implemented due to resource and timing considerations. And third, it includes topics raised by lawmakers for consideration by the Board. Staff prepared the chart that you see in front of you, or that was included in the meeting materials, identifying all of these topics. We have already reviewed the suggestions at a high level to determine that we have the legal authority to work on them and/or the ability to work on them, albeit within the difficulty level identified. Please note that there are also some items such as minor language improvements as well as non-substantive or general cleanup changes based upon insights that we received during the rulemaking process, and those are not included in the chart below as they'll be incorporated into future revisions. An example of one of these is that in section 7053(a)(3), there is an example listed there that uses the term "may" as opposed to "shall." And so those are the kinds of things we are going to take a quick look at, a closer look at, and provide some information to include in future cleanup items. These are insights that we received during the rulemaking process. We'll provide draft language on these items based upon the Board's input on priorities as well and the bundling of topics for future rulemaking packages. With regard to turning your attention to the chart, regarding the topics in the chart, we
have basically listed them in order of difficulty. For example, we have those in green, and that, you know, A-K-A easy level of difficulty, and then some in blue, A-K-A easy-to-medium level difficulty. And with regard to those two-color differentials, at the Board's discretion, staff can prepare language for the Board to review when the appropriate rulemaking package is prepared for the Board to review, or otherwise, we can update the Board on our progress during our next rulemaking discussion. For the other color-coded items, we'd like to discuss which of the topics, if any, the Board would like staff to prioritize, taking into consideration the staff's already existing rulemaking priorities.

As the Board may recall, staff is currently working on regulations implementing CCPA's provisions on cybersecurity audits, risk assessments, and automated decision-making. We are also analyzing the Insurance Code to determine whether any regulations are necessary to provide greater protection to consumers in addition to a number of administrative regulations relating to the Agency's operations that staff are evaluating as well. Given these resource constraints, staff is likely only able to take on a maximum of two yellow-orange topics or one red topic within the time of our next regulations discussion based on the annual rulemaking calendar Mr. Soltani presented earlier. That said, staff understands that none of the yellow-orange or red items are urgent and need to be addressed within the next six months. With that in mind, staff seeks direction from the Board as to which items they would like us to prioritize. For the topics the Board instructs the staff to move forward on, staff will prepare language for the Board to review and/or update the Board on our progress during future Board
meetings. However, we do recommend that the Board provide staff discretion regarding how to proceed to best move these items forward, for example, whether to split them up and include them in more than one rulemaking package, or include them in packages staff are already working on, etc. I will now walk the Board through the chart of topics. I'm happy to take any questions that you may have along the way.

**MS. URBAN:** Before you start, could I ask a clarifying question? Was I understanding you to say that if the Board were to prefer to ask staff to work to implement all of the green and all of the blue, that would be alright?

**MS. KIM:** Yes.

**MS. URBAN:** We can treat them as one chunk if we choose?

**MS. KIM:** Yes.

**MS. URBAN:** And then in terms of resources, we need to pick from the remaining colors?

**MS. KIM:** Yes.

**MS. URBAN:** Okay, thank you. I apologize. I just wanted to be sure I had it straight.

**MS. KIM:** Yes, thank you. Thank you for that clarification.

So, moving forward on these items, I'll walk you through the ones listed on the chart, and feel free to stop me if you have any questions. Beginning first with the green section 7004. In 7004, we intend to, upon the Board's direction, we can include language that was previously held back to ease implementation and to harmonize with Colorado regulations. 7013, we've identified is to include language that was previously held back to ease implementation in that section. In Article 3, one of the changes is to require
businesses to include in their responses denying consumer request information about where the consumer can submit a complaint. In addition, with regard to Article 3, the topic would be to include language harmonizing requirements for the different consumer rights. 7024(h), we would revise language to ensure that businesses provide consumers the opportunity to request all of their personal information and not just 12 months of it. 7028, we would reinsert language regarding opting back in after having exercised the request to limit. 7302(c)(1), the change would be to clarify that an in-person hearing can be requested even when it is not a hearing open to the public. With regard to the blue item, 7002(e), the topic would be to insert language that a consumer can withdraw consent at any time. And 7026, it would be to insert language requiring businesses to comply with a request to opt out of sale or sharing in a timeframe that is commensurate to the timeframe it sells or shares the personal information. Now moving on to the yellow and orange sections, the topic for 7003 is to require specific disclosures, such as the notice of collection for mobile applications, to be accessible in the app store prior to downloading. 7050(a)(4) would be to revise data security purposes for which service providers and contractors can use personal information. 7027 would be to revise and/or add exceptions to the right to limit, including for HR or employee data, a prohibition on health-related research, and changes to the security incidents language. 7002, the topic is to identify purposes for which businesses can use consumer personal information, for example, exceptions to the purpose limitations. Article 4 is to provide template or standard forms for service providers or contractor
contracts. And then the next topic is voluntary certification, to
draft regulations to implement this option of voluntarily
certifying that you are to comply with the CCPA. On to the red or
pink items, 7003 would be to include a reading standard for
disclosures and/or provisions that make disclosures more
accessible. Article 2 would be to provide model notices and/or
other disclosures. Article 7 would be to provide additional
guidance regarding financial incentive programs. And then the next
item would be business-to-business data, to draft regulations
regarding this topic and consider whether employment-related
communications during employment falls within the trade secret
exception. The next topic is employee data, to draft regulations
regarding employee data and to consider whether any exceptions or
specific rules should apply to employee data. And finally, access
to social media APIs to require social media companies to provide
API for consumers' agents. Now these are all the topics, and I'm
happy to take questions expanding on any of these or if the Board
would like to discuss any of these topics.

MS. URBAN: Thank you. Thank you so much, Ms. Kim. I think that
was really clear. I'm amazed that you so efficiently were able to
present so much disparate information. I have a favorite, but I'm
going to turn it over to the rest of the Board first and ask if
they have comments or questions. Mr. Le?

MR. LE: Yeah, I have favorites as well, but I just wanted to
reiterate one of the points that Mrs. Kim made earlier about staff
resources. I think there are several red and pink, or sorry, orange
and pink items that I would like to see staff, you know, approach.
But I think one thing, you know, sitting on the subcommittee on the
new rules, you know, we've been able to make much more progress recently because staff resources have been made more available after the initial rulemaking undergoes update. So, I am very sensitive to, you know, diverting staff resources to, you know, these important issues before we're able to get, you know, the new rules into, you know, proper rulemaking. So, I just wanted to say that first. And, you know, as the rest of the Board members think about what to prioritize and how to choose between, you know, a lot of these important topics, to really think through how that would impact the timeline for the new rules because, you know, I am very sensitive to that, and I imagine many of us here on the Board and on the call are also sensitive to those issues.

MS. URBAN: Thank you, Mr. Le. That's very helpful. And Ms. Kim, I understood your analysis of what is a reasonable set using staff resources took into account that you are working on the major package? Okay, alright. Thank you, Mr. Le. Other comments or questions from Board members?

MR. MACTAGGART: Yeah, I have a bunch of specific things I want to kind of go through and ask when the time is right, but just to echo, I think, what Mr. Le was saying, you know, I'm not sure if the Board, it makes sense for us to kind of individually say, “Oh, choose this one over that one, and do this one first.” I mean, I think at some point delegating authority to the executive means, you know, delegating authority. I think what's almost as, I guess, my suggestion would be was almost as useful, I think, for the public, if they know the Board supports a certain rule and then it will be forthcoming at some point, that, I think, is a very valuable signaling tool for, you know, industry as they
look at things because this happens in other areas of law, tax for
example, where, you know, a tax authority will say, "You know,
we're going to publish regulations to do X, Y, and Z." They haven't
published yet, and then folks kind of know, "Okay, well, that
direction is, you know, being-- we should move in this direction,
for example, because that's where the regulations are coming." So,
I think, you know, what I'd like to suggest is if we all are in
favor, whatever the packages are being today, that, I think, is an
achievement, and then telling or instructing the executive to do
what they can in the best way they see it, I think, is commensurate
with our, you know, our duty not to try to micromanage them.

MS. URBAN: Thank you, Mr. Mactaggart. Other questions? Ms. de
la Torre?

MS. DE LA TORRE: I just wanted to mention that I agree with
what we've shared. It seems to me that there is an "if"
conversation and a "when" conversation, and as to the "when," I
think that we should give the Agency the space that it needs to
help us work through any possible changes and improvements. The
"if" conversation is more appropriate for the Board to have. I'm a
little sensitive to the fact that it's been a long meeting already,
and I'm not sure how long we want to dedicate to going through this
list since some members have detailed suggestions. I just wanted
to mention that I'm open to potentially moving this to the next
meeting if we feel that's appropriate. If we don't complete the
conversation in this meeting, I would prefer that than having a
meeting that lasts three more hours, two more hours. I'm not sure
what the preference is for the other Board members, but I wanted to
express mine. Thank you.
MS. URBAN: Thank you, Ms. de la Torre. I have a legal question
and a process question for staff. Mr. Soublet, are you available
for the legal question?

MR. SOUBLET: Yes.

MS. URBAN: Thank you. In principle, I absolutely support
delegating to staff choosing when-- I think Ms.-- let me back up
and just say I think Ms. de la Torre put it very nicely. There's
the "whether" to do something, and then there's the "when" to do
something. My understanding is that we do have to give direction on
"whether" because we cannot delegate our rulemaking authority. But
could we just delegate the "when" and put that in under staff's
discretion? Would that be acceptable?

MR. SOUBLET: Yes, I mean technically you can't delegate to
staff the final authority on the adopting of the regulations. And
that's why we have the motions once the staff comes up with the
proposal and the language is agreed upon, then you can delegate the
authority to move it forward, but that is a decision that has to
come from the Board so you can direct the staff to, you know, we
will give you the authority to go ahead with the proposals that you
believe are appropriate to move forward now, and then the "when" is
when they need to bring it back to you for final approval before
going forward.

MS. URBAN: Okay, alright. So, it would be okay if we were, for
example, if I were to formulate a motion that simply directed staff
to work on any of the items on the list in the order that they
think they should be prioritized against resources and timing, and
then they could come back to us with language when they were ready.
So, that would be legally okay? Alright, then thank you. And then I
have a process question. I am in general very much in favor of leaving discretion to staff, who are experts and are in the trenches every day thinking about this very deeply. At the same time, I want to be sure that I'm sensitive to the fact that staff may want to have our direction on certain things, and I think that we should provide that input and provide that time if it's something that staff feels would be helpful and that they would need. So, for that, I would like to check with you, Ms. Kim, on your preference.

MS. KIM: It would be helpful, especially with regard to any of the red items, to know just generally if there is a desire by the majority of the Board members to prioritize them. It would just help because it's almost like a shotgun approach if you say we could do anything. It requires us to look at everything to a certain level of degree in order to, you know, inform the Board from an educated point of view. So, if there is a priority by the Board, it would be helpful for us to hear, albeit it could be several, but if there is at least some type of consensus as to what is coming to the forefront.

MS. URBAN: Okay, thank you, Ms. Kim. That's really helpful, and that seems sensible to me as well. Given that, I propose that the first thing that we do is check with the Board to see if there is anything on this list that Board members do not want to authorize staff to move forward on. Is there anything on the list that anyone on the Board would like to not authorize staff to move forward on? Ms. de la Torre?

MS. DE LA TORRE: So, I'm sorry, but I don't know that I can answer that question because some of the descriptions are not fully
clear to me. I think that we have to better understand each one of them to, at least for me.

MS. URBAN: Okay. So, further steps would be necessary at this point for you. Okay, Mr. Le?

MR. LE: You know, this is an interesting question. It's not like I don't want them. I think, actually, you know, Article 4 providing templates and standard forms for service provider or contractor contracts and Article 2 model notices and other disclosures. I think those are actually very important to me. I think those would really help businesses, but I think for me, that's a “when” question, and I don't think staff should move forward with that now. I think it would be helpful to see, you know, how industry responds and kind of see, you know, what, you know, just to get, not so, you know, that the Agency isn't getting ahead of the industry and how they develop their contracts and be able to see examples. So, that, to me, I think important things would be helpful for businesses, but maybe not right away. So, I would like to see kind of staff wait on that, those two, but, you know, eventually get back to those because I do think those would be helpful, especially for small businesses.

MS. URBAN: Thank you, Mr. Le. I fully agree with you with regards to the model contracts, the orange one. I think it makes very good sense to see what develops and, you know, let industry work to solve the equation in the way that works best for them. My favorite was the model notices for the benefit of consumers and because, if I recall the public comments we received correctly, there were a number of requests for such a thing. But I hear the wisdom in what you're saying, and to the extent that this
conversation is helpful for staff, I think, you know, we can just
have it, and they can decide sort of what the trade-offs are as
they go forward. I absolutely hear the wisdom of what you're
saying. Yes, Mr. Le?

MR. LE: Yeah. And I agree with that. I think, you know,
especially the model notices and other disclosures, small
businesses could definitely use those. I'm just not, yeah, not
quite sure when staff should be putting, you know, the thing that
their fingers out there on, you know, the scale on how that should
be done perfectly. Maybe there's a less verbose way that businesses
are approaching it. So, yeah, maybe sooner rather than later for
that one, and maybe later for the templates and standard forms.
But, yeah, maybe that's a good one, I think, for us to highlight to
staff that I think the Board, at least two Board members, find
important. And if we delegate to them on what's the best time to do
that. But, yes, I do think the model notice and other disclosures
should happen, probably before the standard forms for the
contracts.

MS. URBAN: Thank you, Mr. Le. Other thoughts? Other-- I know,
Mr. Mactaggart, you said you had a list of thoughts. I think now
would be a great time.

MR. MACTAGGART: Well, and I'm sorry, those are the ones that
we're bringing up either-- yeah, yeah.

MS. URBAN: Oh, for future? Okay, alright. Yeah, we'll hit
those when we hit our agenda item, great. Thank you very much.

MR. MACTAGGART: And I think, you know, just on the, if we were
going to prioritize, you know, first of all, I think, and I'm
sorry, I apologize if Ms. Kim, if you mentioned this, I do think
the AI, this automated decision-making, is so important just nationally at this point that I would put all this on hold to get those regulations addressed first, I think. Then, in this list, if we assume that the blues and the greens are there, you know, personally, I feel like the one that's in statute that's just specifically very clear in statute is that the notice, a disclosure notice has to be available before you download the app in the app store so that you know what you're getting into, so to speak, and you don't just kind of blindly go into it, and that's a yellow here, and I think I just don't think we have any choice in statute, and I think that's an important one, and then the one in the purple that I'm kind of a big fan of is trying to figure out a way around the employee data, not with respect-- with respect, kind of, to the work product. So, that's, I think, 145 and because employee data is already protected under California law. But, you know, if you think about the work product of the employees during the time they've been employed, that, to me, is something that is not privacy protected. I would like to get that trade secret area examined as soon as possible.

MS. URBAN: Thank you, Mr. Mactaggart. I think you probably saw heads nodding about the automated decision-making package. So, I think that staff hopefully knows we're behind them a hundred percent on that work. Ms. de la Torre?

MS. DE LA TORRE: Yes, quickly, since we are now, I think, talking about the things that we see as priorities instead of things we want to eliminate. So, I have two quick things that I wanted to bring up, which are not per se on the list, but they're related to the list. One is revising the current rules to do
something that, I think from a legal perspective, is helpful in any
document, which is capitalize the defined terms and use the
capitalization consistently. Colorado did that, and I find it
really helpful when I read the rules. There is one word in our
statute, in particular, which is "collect," which is a defined
term, but sometimes in the rules, I think we are using it not
necessarily as a defined term so just simply taking that approach
of making sure that the definitions are capitalized throughout the
rules, I think, could add clarity. So, I will urge the staff to
look into that. It's not necessarily a substantial change, but it's
just trying to make the information more clear and accessible. The
second thing that I wanted to mention is the idea of defining the
term of "controller" and "processor" in the rules and using those
terms consistently throughout the rules. This, again, wouldn't
necessarily change the meaning of the rules, but I think it will go
a long way to make the information more accessible to the
compliance professionals that are working to understand and
implement the rules. I think it will also make it possible for
contracts that aim to comply with California law to be more
consistent with those that are mandated now by eight other states.
And, not just as well, to the point that the Chairperson made
before about making information more accessible to consumers, I
think to the extent that we can think about whether it's possible
for us to align our terminology with the terminology of the other
states that have enacted, we will make it less confusing for the
consumer as right now they are exposed to just multiple notices
depending on the state where they reside. They might change the
state. Just, I think a better tracking approach. I open this for
discussion, and I think that if we decide that this is something to
look into, I will consider prioritizing it because, as we draft the
new rules, if we decide that it is a good approach to consider
defining controllers and processors, obviously the new rules will
be drafted using that terminology, and I think they will better
align to existing frameworks such as Colorado. So, for that reason,
I will suggest that if there’s agreement within the Board on the
idea of looking into that possibility, we prioritize it so that we
can implement it already in the New Rules Subcommittee. Thank you.

**MS. URBAN:** Thank you, Ms. de la Torre. So, that is a new item?
The last one? About the controller definition? It’s not on--

**MS. DE LA TORRE:** There’s-- So, I’m not-- I’m not sure what
were the things that were suggested in prior meetings, I don’t have
that list. I don’t remember personally referring to this
specifically so--

**MS. URBAN:** Yeah.

**MS. DE LA TORRE:** I don’t see it in this list, but I don't see
a reason why the Board could not suggest things that are not in the
list if they are helpful. And in this case, I thought that if we
were going to consider that, having that conversation prior to
releasing the new rules would be actually beneficial.

**MS. URBAN:** It's a question-- it's just a question of timing
and whether the discussion is properly noticed. I think, Ms. Kim,
though you've recorded that. Correct?

**MS. KIM:** Yes, I don't believe the defining of processor
or controller was mentioned previously. But that said, you know, we
will take it on in-- under consideration as a new item that the
Board or Board member is considering or wants us to include.
MS. URBAN: Alright. Is there anything else that you would find particularly helpful from us, Ms. Kim?

MS. KIM: I'm going to take a look at my notes to see if there's any further direction that I need from the Board. But at this point in time, I understand that the Board is giving us discretion to prioritize this list of items, to determine what makes the most sense in moving any of them forward. And--

MS. URBAN: Thank you, Ms. Kim. And I will-- I'll formulate a motion so we all know.

MS. KIM: Thank you. That would be helpful.

MS. URBAN: I just wanted to check in. Alright, and then further thoughts from Board members? I have Mr. Mactaggart and then Ms. de la Torre.

MR. MACTAGGART: Thank you. And I, just to clarify, when you said it's a question of properly noticing, you just-- did you mean that Ms. de la Torre's comment was new and it's going to take place after this motion? More properly, whatever should take place after this motion on this stuff that's already in this table?

MS. URBAN: Correct. My understanding is that we have to notice anything that we action, and the motion is the action so we have to notice it with sufficient specificity for the public to be notified that that is what we are taking action on. It's just a matter of putting it on a list to vote on. You know, it doesn't-- it doesn't mean that-- so, it's putting on the list so staff can look into it, just like with the-- with the-- with the agenda item for future agenda items.

MR. MACTAGGART: I see. Okay, yeah, I like it, but I-- okay, I see what you're saying. Thank you. Yeah.
MS. URBAN: Yeah. Thank you, Mr. Mactaggart. Ms. de la Torre?

MS. DE LA TORRE: So, I wanted to add a couple of things in 7002, which we discussed when the rules were being approved. I see a reference that I don't completely—it's a summary so it's difficult for me to really understand what they, you know—let me rephrase that. I'm not sure that we can give clear direction to the Agency on some of these items without further discussing the items because what we're looking at is a very high-level summary. So, 7002, I mentioned it when we were approving the rules. There is a need to, I think, reorganize the text so that we can align them with Colorado and the rest of the world. There is also a need to consider for research purpose, statistical purposes, and journalistical purposes whether there should be room for an exception there. There is such a possibility for interrogations under GDPR. I understand that Colorado has a different implementation. They don't specifically have references to those three purposes, to my knowledge, in the rules. But it deserves a longer conversation, I think, than just that one line reference in a list and so perhaps this is an item that we can make part of our conversation. My concern is that if we do not, we might not be giving clear instructions to the Agency on where we are with some of these points, which can cause them to work in a direction that ultimately is not useful because we haven't had an opportunity to have that kind of conversation. I imagine there are other items here. I think employee data is another one where there's been a lot of requests from the regulated organizations and providing guidance. And I don't know that I completely understand the point that Mr. Mactaggart made before and what he thinks it should be a
priority. I think that, at the minimum, we should consider revisiting the purposes for processing and creating purposes that are specific to employee data because the current purposes are not really designed for employees, and I intend to address them. So, I don't know where the balance is between having this conversation and providing guidance and then perhaps creating a space in that future meeting to have more granular discussions on some of these items, but I leave it to the Chairperson to help guide us through that.

**MS. URBAN:** Thank you, Ms. de la Torre. And to be clear, this is not Board members signing up for ultimately approving or disapproving or trying to make a decision based on the brief description and the chart we have today. This is just, as I understand it, helping staff get a sense of where our thoughts are on the issues, and they will bring to us more detailed background and guidance that we can talk about in more detail. So, I think that's in line with what you were saying, but that is my understanding. I do agree that we will need to have a more detailed conversation, for example, about the things that you mentioned, and I certainly need more background on those.

**MS. DE LA TORRE:** Like I said, I leave it to the Chairperson to decide how to guide us through this. I just want to make sure that we're efficient with the staff's time and that if there's a second conversation that we're going to have in the next meeting, maybe they can dedicate their time to the things that are outside of that second conversation between now and the next meeting so that they don't work in a direction that we haven't necessarily agreed upon or discussed for particularly, as Ms. Kim mentioned, some of these
harder, more difficult items that will require more staff time.

**MS. URBAN:** Right. Yes, it is, I think, it’s a layered process. If they have a sense of if we have priorities, that helps them decide whether—where to first focus their efforts to produce the background necessary to have that more detailed conversation. It doesn't mean, as you so nicely put it earlier, that the detailed conversation isn’t going to happen. It's just a question of the timing and the staging. Mr. Le?

**MR. LE:** Yeah. So, you know, while we're on the topic of, you know, providing staff direction, at least from the Board on what to prioritize, I would second Ms. de la Torre's ask that, you know, staff prioritize, you know, and Mr. Alastair—Mr. Mactaggart asked that we prioritize looking at the employee data and, you know, the exceptions of that and how do we approach that as well as maybe on the easy side of things, just for—to help staff out on what, at least from this Board member, we should prioritize, is, you know, Article 3, language-harmonizing requirements. That, to me, seems important. You know, we can harmonize wherever we can. And just a final note unrelated to this is that my Internet connection is very poor so, apologies, I can’t see any of you all. You can see me but—so if I'm miss seeing any body language, that's because I can't see it.

**MS. URBAN:** Thank you, Mr. Le. We can see you. I don't know how that feels, but it's nice, you know. It’s nice to see you. Mr. Mactaggart?

**MR. MACTAGGART:** Thank you. You know, I think one way to think about this part of the meeting is— is—and in the future would be, you know, does—do we, the Board, think that the house is on
fire and so everything needs to be dropped to do one thing? If not, then, hey, Board, go ahead—hey, administration, you know, executive, go ahead and do this because we will never know whether you get three of the yellows for one red or this all of a sudden something changes, and the red gets easier and nor do we kind of want to be involved in that. So, I think that, you know, for example, I support, you know, what Ms. de la Torre was just saying about purpose limitation. You know, very important. I think the one thing also, to her point about the lack of granularity, one—only one benefit we may be missing, given the staff is already putting this effort into summarizing it this way so in the future, I personally would really love to have like a running kind of total, so to speak, of like these are the areas that the CCPA is working on. These are the areas that have generally gotten Board support and so here's a list of regulations that are coming. They may be coming in six months. They may be coming in a year, but they're coming. Hey, everybody take a look at this because while these are the actual regulations coming down the pike, and if they're in— if they're in greater granularity, then there could be even more of an indication when you're building your app or, you know, you're— you're looking at what kind of what industry is figuring out what to do, they can get a sense of what's coming. And now, of course, the final regulation may differ, but I do think, and I'm not trying to get into underground rulemaking, but I do think, you know, here we all are. We all are instructing staff to approve or to go forward and regulate in these areas and come back to us with regulations for us to approve. So, I think there may be an additional benefit for not a lot of extra effort when, Ms. Kim,
you're putting together the list of sort of in the future or when we come back to the next meeting and amend this so that anybody could at any time go look and see what regulations, you know, the administration is working on and get, you know, a kind of closer sense to, or as granular a sense, as possible of what we're working on.

**MS. URBAN:** Thank you, Mr. Mactaggart. I gathered that that was sensible. I worry that I didn't 100 percent follow, and I so-- I-- can I restate it?

**MR. MACTAGGART:** So, let me just-- let me try and say it better. You know, if-- let me just pick an example. Pick the example that I-- that I cared about, the one about requiring specific disclosures. Well, that's actually pretty-- well, so that's-- that's one where it's not granular. That is pretty clear so require specific disclosures for mobile apps to be accessible in the app store prior to downloading. Maybe you can make that even more clear so that, you know, but make that a mandatory step before you download it as per the statute. Now, if I'm designing an app and I know that the CPPA has said, the Board has said, "Yes, we'd like, you know, we'd like you to come back with regs addressing that." I'm thinking to myself, "Well, unless I want to redesign it in a year, I might as well design it this way in the first place."

Potentially, I'm just saying that. And what are-- well, so actually-- maybe Article 7, it's in pink, provide additional guidance regarding financial incentive programs. That's maybe less descriptive. And so, because what's additional guidance to the extent that it was that descriptor was more descriptive. It would give industry a greater sense of what's coming down the pike and
allow people to kind of say, "Okay, this is where California seems to be going." Does that make more sense?

**MS. URBAN:** I am working to square it with the thought of discretion. My-- I-- like I said, I hear-- I hear sensible info in there. I-- my view of it is that if we are going to get staff discretion, the best approach would be to have the list to add to the list in the various ways that we can. So, for example, Ms. de la Torre has asked about the definition of controller and processor, and I would ask for Lisa's input on whether sort of having a running list that, maybe we check in on makes sense. My understanding was that the calendar was set up so that we would check in on the list as a group in each of our twice-yearly meetings, and that is a way to make sure that we're all basically on the same page and that we've properly noticed everything. I very much support giving staff the discretion within that timeframe to figure out what it is that they should be doing. And I guess, while I see that there could be value to providing more information, I worry that we would run into sort of the winds of Bagley-Keene and accidentally making promises that we don't know we're making and so forth. So, in terms of relative value, my feeling is that we try the biannual schedule for the next six months and see where we get. And that, of course, includes collecting items as they come up, and if anything is urgent, of course, addressing that on a more urgent basis if necessary. But I worry that we could accidentally, and I know this is in no way your intent, Mr. Mactaggart, given your thoughts so far, to complicate things for staff in a way that we didn't intend to. Ms. de la Torre and then Mr. Le?

**MS. DE LA TORRE:** Okay, thank you. I-- so, I-- I have a related
Question, which is if there's changes moving forward based on this conversation, and then there's the subcommittee that's working on the new rules at the same time, do we have a plan on how that overlaps? Just-- I just-- like, for example, the change that I suggested, if we move forward with that, defining controller and processors, it will have to be implemented on the new rules as well. So, I don't know if it-- I don't know if it makes sense to pull some of that under this subcommittee. I mean, how can we make it easier so that staff doesn't have to compartmentalize things and-- and the subcommittee can move forward at the same time. Maybe the staff has a plan for that, and then I'm thinking also just in terms of process, we have a package coming right, and there is a whole administrative piece of moving that package forward once we started the official process. So, I’m envisioning some of these changes going forward with the new rules package. I just want to check with everybody and make sure that that's kind of how we're all envisioning it that when the new package comes in, it will just not be the new rules, but also some updates to the red line to the existing rules.

MS. URBAN: Thank you, Ms. de la Torre. Yes, I think, you know, this is where the wisdom of giving staff discretion really shows its mettle in this, and in other places, but in this place. I think that has been introduced. And in terms of how it might interact with the specific language of the package that your subcommittee is working with staff on, I think that's something the staff's expertise can be deployed to decide so long as we've given staff discretion to work on things. Now, we won't be able to solve all problems for our future all the time with any motion given the
fact that we can't delegate rulemaking authority in a general
sense. But I think that by giving staff discretion, we can let them
maneuver within an understanding sort of what our priorities are,
and we've been very clear that our priority is that package and
then we've kind of given some thoughts about other things that we
like. But my feeling-- my thinking-- my understanding of the
conversation of the Board so far is that what we mostly want to do
is to have staff have discretion to decide the timing of things
leaving aside the automated decision-making, etc. package, which we
all understand is moving forward, and we would like to move forward
as a-- on a priority basis. Oh, I'm sorry, Mr. Soltani. Is it
alright if Mr. Le makes this comment so he doesn't forget what he
was going to say?

MR. SOLTANI: Of course.

MS. URBAN: Okay, Mr. Le?

MR. LE: Yeah, I think, you know, what Mr. Mactaggart was
saying around, you know, providing advanced notice, I think that
will be solved when staff comes back with the priority list, right?
That way, the public will know kind of what-- what-- well, the
Board has already given its input on what we think should be
prioritized. Staff has their discretion. They're going to develop a
priority list, and that should hopefully resolve the issues of, you
know, what is upcoming, what businesses perhaps should be prepared
for in the future. And to some extent, perhaps, you know, we'll
also allay Ms. de la Torre's concerns around, you know, if two
things are happening at once, perhaps this control process or
discussion, if that's really high up on the priority list, then,
you know, I think the subcommittee will hopefully have notice of
that from staff. And, you know, I think that should hopefully resolve most of these issues that have been raised recently around (a) providing notice to the public and to around what the Board is prioritizing and making sure that staff is integrating what they are going to prioritize with the ongoing rulemakings that we have.

**MS. URBAN:** Thank you, Mr. Le. Mr. Soltani?

**MR. SOLTANI:** Okay, thank you all. I just wanted to kind of just echo some of what I've heard, just for clarity and also just restate. As Ms. Kim laid out, this conversation, or let me, I mean not paraphrase, Ms. Kim. So, the goal of this conversation, I think, is at least from the staff perspective, or, as I see is for information capture and resource prioritization, right? We want to essentially go through the past year, and then subsequently past six months as this process continues, and capture, acknowledge, and then prioritize the topics that the Board want staff to begin researching and working on and dedicating resources to separate from the, say, the new rules, the existing stuff that's been prioritized. And as Ms. Kim laid out, there's limited resources to do this, I think the question is essentially what-- what order? And I think, Ms. Urban, your-- your attempt earlier to cross things off the list is helpful because that at least forecloses any necessary research on those items, but even on the ones that are on the list, the question is what do staff then prioritize given the ongoing other priorities? And just to respond to Ms. de la Torre, I will just say that I don't necessarily-- I don’t think it's a foregone conclusion that this will, some of the items, for example, even in green, will hundred percent be part of the next package, or they may be separate packages. There may-- there's other considerations
with rulemaking, collecting comments, doing economic analysis, that staff needs to consider and how to organize and allocate those. And I appreciate the kind of the discretion the Board are giving to staff to figure out how to package things up and bundle them because we have to give notice to OAL, we have to, you know, run the economic analysis. The hope that we had hoped is, to echo Ms. Kim's first point is, we have a list. The green and blue seem doable by the time for us to report back on, and the next six months until the next time we meet. And then the question is, of the remaining items, are there one or two, mindful of Ms. Kim's observation that we want to prioritize, or, you know, it's from this conversation, a lot of them are important, and the Agency acknowledged a lot of them are a priority. But are they a priority that we need to address in the next six months is the question, recognizing that we may not even be able to address even the one, but we can certainly report back out in the next six months.

MS. URBAN: Thank you, Mr. Soltani. And I believe that the Board is saying we've offered some thoughts on some of our favorites, but we think that you have the most information about timing. So, let me-- why don't I see if I can formulate a motion and see if that captures the thinking that-- that-- behind this conversation? Ms. Kim, would you like to speak before I do that?

MS. KIM: Yes, if I could just, you know-- I believe the point of this conversation also was to give the Board members the opportunity to discuss these items just because in previous conversations they have identified items but never got the sense from what other Board members as to whether or not it was an interest of other Board members. So, I believe that the intention
of creating two spaces within the room within the rule-- within the Board calendar, both like in May and in November, was to provide that opportunity, to have that discussion among Board members, to opine or provide feedback. All that said, I also wanted to clarify that if there is a particular item on this list that, you know, a Board member has questions about, this would be the opportunity to have that conversation, given that in the next meeting we will be focusing on other rulemaking topics that are ongoing priorities. So, that is what-- that is what staff, well, myself, would appreciate. You know, if-- if you have questions about any of these topics, then ask them now so that I can answer them so that you can-- so that the Board can have a full understanding of what this list is comprised of. That-- that would be the most ideal situation at least for myself.

**MS. URBAN:** Thank you, Ms. Kim. For my own part, I appreciate that. For my own part, I think that questions I might have are more likely to arise at a point where we're considering a little bit more detail. I hope that's okay. I absolutely understand-- I understand what you're saying, and it may be that just this list hasn't prompted higher-level questions from me personally. Ms. de la Torre?

**MS. DE LA TORRE:** Yes, I have a couple of specific questions that might be helpful to Ms. Kim. One question is on the employee data. It's not a question to be answered right now, but it's a question to be highlighted for future discussion, on the employee data, whether creating a list of purposes specific to employee data is something that is beneficial and visible. I believe it will be because it's truly difficult to fit the uses of data for HR
purposes into the descriptions of the purposes that are in the law. But that's one question to consider, and I think it will also be very helpful in notifications to employees currently. The notifications are probably listing the purposes that exist in the law, which are not intuitive if you're thinking about how data is used for employees. The second one, which I have mentioned multiple times, is 7002. I will appreciate looking for ways to align our text to the Colorado text and the texts that exist in all other jurisdictions. It will be very useful for professional-level compliance to have those lists aligned so that it's easier for them to go through use cases and decide whether there is a need for consent of the user or not based on the secondary use test. I am—I will appreciate a presentation on how our structure for purpose limitation works via-a-vis the other opt-out rights that are in the law, and the secondary test that has been created in the rules, if it fails, meaning if there is no sufficient connection, the mandate is to obtain opt-in consent. But at the same time, there's a number of opt-out consents that are in the law I have never really have seen that structure quite the same way in other jurisdictions. So, I wonder how-- how can it best be made clear to consumers if they have like an opt-in and an opt-out right that might overlap. And I'm happy to maybe have a separate conversation with Ms. Kim if that's helpful to better communicate around that question. I know that there are answers that were provided in the excerpt, but I just-- I just will appreciate some form of example because the exercise that both the opt-in and the opt-out apply at the same time. And then, on 7002 as well, scientific research shouldn't be an afterthought. If we do not create spaces for scientific research
to happen absent consent of the consumer, I think that we are putting our framework at the risk of diminishing what we call data philanthropy, which is where private organizations actually offer their data to researchers for beneficiary purposes to society. Same thing for journalistic and statistic purposes. So, I understand it's hard. I'm not taking away from the fact that it might be hard to define these, and we might need time to do it. But to me, it is a priority to make sure that we think about how our law not only discourages uses that might not be beneficial to the public but also it doesn't impair usage of the data that are beneficial to the public, which is why I think that a carve-out for scientific research is something that we should consider. I hope that was helpful, Mrs. Kim.

**MS. KIM:** That was very helpful. Thank you.

**MS. URBAN:** Okay, I'm going to go ahead and see if I can formulate a motion so we have it. Please be patient with me while I think this through a little bit. So, we need to delegate our authority appropriately. We would like to give the staff some discretion. So, I plan to ask for a motion to direct staff and authorize staff to, one, proceed with developing rulemaking proposals on all the green items on the chart titled "Potential Regulation Proposals" included in the meeting materials for today's Meeting; all the blue items included on that chart; and any items of other colors included on that chart that, in staff's discretion, staff believe are an appropriate use of resources at that time with the understanding that staff have discretion to develop any of those proposals, any of the proposals on the potential regulation proposals list on the time-- according to the timing that makes
sense in staff's judgment; and give staff discretion to package the
items with existing rulemaking priorities or separately in
different rulemaking packages, updating the Board during the next
rulemaking priorities meeting. I don't know if I got everything in
there, and I don't know, Ms. Kim, if that works. I can-- I can try
to clean it up after we have public comment. For public comment, I
always like to at least have the meat on the table so they
understand what's going on and can respond if they would like. But
does that work, and does it work for-- for Board members?

**MS. KIM:** Yes, it works for me.

**MS. URBAN:** Thank you, Ms. Kim. Ms. de la Torre?

**MS. DE LA TORRE:** I think that we should keep some
consideration to the items that different members have highlighted
as important to them that are outside of the green and blue so that
the staff knows to consider prioritizing those. And I tend to agree
with Mr. Le on the model notices and contractual language. I don't
think that is something that might be a high priority at this
point, and I think that I heard Chairperson mentioning the same
thing so maybe there's a way that we can at least eliminate some
items from here to the next meeting so that we give actionable
feedback.

**MS. URBAN:** I don't disagree. I hope that that is helpful to
you, Ms. Kim. I was hesitant to put it in the motion because I
don't want to limit their discretion in terms of authority. But one
thing that I could do-- let me think about it while we take public
comment and see if I can restructure things a little bit.

**MS. DE LA TORRE:** And I want to mention one more: the
access to social media API. I don't think that I have heard that
from any Board member. I understand that there might be a petition
to the Agency from other sources and is listed here for that reason, but I don't recall any Board member making it a priority so maybe that shouldn't be prioritized.

**MS. URBAN:** Thank you. Ms. de la Torre. Mr.-- Ms. Kim, did you want to respond?

**MS. KIM:** With regard to the last topic, it was not a petition to the Agency but rather a topic raised by a lawmaker, and that is one of the-- that is why it was included in the chart.

**MS. URBAN:** Thank you, Ms. Kim. Mr. Sabo, is there public comment on this agenda item?

**MR. SABO:** This is for agenda item 7, Regulations Proposals and Priorities Discussion. If you'd like to make a comment on agenda item 7 at this time, please raise your hand using Zoom's 'Raise Hand' feature or by pressing star 9 if you're joining us this afternoon by phone. Your name will be called when it's your turn, and you'll be invited to unmute yourself. Those dialing in by phone can press star 6 to unmute. You’ll have three minutes to make your comment. This is for agenda item 7, Regulations Proposals and Priorities Discussion. Again, please use Zoom's 'Raise Hand' feature or press star 9 if you're joining by phone. This is the last call for agenda item 7 public comment, Regulations Proposals and Priorities Discussion. Madam Chair, I'm not seeing any hands.

**MS. URBAN:** Thank you so much, Mr. Sabo. I think I have a plan, and I will ask Mr. Soublet to, after I attempt this, I will ask Mr. Soublet to please bless it or say, "Try again, Chairperson Urban," and I will try again. May I have a motion to authorize and direct staff to (1) proceed with developing rulemaking proposals on the following items: (A) all the green items on the chart titled
"Potential Regulation Proposals" included in the materials for today’s meeting (B) the blue items on the chart titled "Potential Regulation Proposals" included on that chart, excuse me; and any others of yellow, orange, or red on the chart for the day, that is all the remaining items, in staff's discretion, taking into account resources and timing questions, according to staff's understanding, as part of which the Board would like the staff to take into account its preferences as discussed during the-- the today's Board meeting but understanding staff have ultimate discretion on the timing and have authority to work on any of the items on the chart titled "Potential Regulation Proposals" for today's meeting; and in addition to give staff discretion to package the items with existing rulemaking priorities or separately in a different rulemaking package; and to update the Board on all the items during the next rulemaking priorities meeting as well as undertake any pre-rulemaking activities that would be helpful to staff developing the record or working on a rulemaking package. Good heavens! That was really long. Mr. Soublet, does that work?

MR. SOUBLET: That works. I think you covered everything that we discussed.

MS. URBAN: Thank heaven we have transcripts. I'm happy to try again, but may I have a motion if that's in line with what people think? Mr. Mactaggart first and then Ms. de la Torre?

MR. MACTAGGART: Yeah, I'm happy to move that. I have one question though about what it covers, about the green, because just as I'm reviewing it just so I understand one thing. And so if I could just ask Ms. Kim, 7013, include language that was previously held back to ease implementation, which is easy. When I look at the
old 7013 from the previous iteration, there was stricken language
in (e), the old 7013(e) for “echo” (3)(C) around televisions and
being able to encounter the language before, you know, while you're
using it so you don't do a searching around for it. Is that the
part that's going to be— is that what that is covering in that
little 7013, your notation about that?

MS. KIM: Yes, that is. We were going to revisit that language
and include where we thought it made the most sense, taking into
consideration some of the comments that we received during the
comment period as well.

MR. MACTAGGART: Okay. Well, and— then I'm— I’m happy to make
the motion.

MS. URBAN: Thank you, Mr. MacTaggart. Ms. de la Torre?

MS. DE LA TORRE: Just quickly, I'm happy to make the motion
again or support the motion. Just for clarity, the general request
to look for opportunities to harmonize with other states and think
about the drafting in terms of capitalizing the definitions and
considering processors and controls, it's just not in the list, but
it was in the conversation. I assume that we're including it in the
motion as something to prioritize. Is that correct?

MS. URBAN: I think that is general enough, and I will ask Mr.
Soublet, that we don't have to specifically state that. That can be
part of our general guidance to staff as to how to exercise the
authority we are delegating, and I think everybody's in agreement
that that's a good idea. As we all know, my— I really like
1798.199.40(l) so I am certainly in agreement. Mr. Soublet, does
that work?

MR. SOUBLET: Yeah, I was going to be in agreement on that as
well because you've given staff the authority to exercise
discretion with respect to that so yes.

    MS. URBAN: Okay. I believe that I have a motion from
Mr. Mactaggart and a second from Ms. de la Torre if the format,
which was slightly unorthodox, works. Mr. Soublet, Yes? Sorry,
you’re on mute.

    MR. SOUBLET: I was muted. Yes.

    MS. URBAN: Okay, wonderful. Thank you so much, everybody. Mr.
Sabo, would you please call the roll call vote?

    MR. SABO: Yes, the motion as moved by Board member Mactaggart
and seconded by Board member de la Torre, that which was stated by
the Chair, Board member de la Torre?

    MS. DE LA TORRE: Aye.

    MR. SABO: de la Torre, aye. Board member Le?

    MR. LE: Aye.

    MR. SABO: Le, aye. Board member, Mactaggart.

    MR. MACTAGGART: Aye.

    MR. SABO: Mactaggart, aye. Chair Urban?

    MS. URBAN: Aye.

    MR. SABO: Urban, aye. Madam Chair, you have four ayes and no
noes.

    MS. URBAN: Thank you much-- thank you very much, Mr. Sabo. The
motion carries with the vote of 4-0. Thank you very much to staff
for carefully collecting all of these thoughts and-- and-- and--
keeping track of everything that was coming up during the
rulemaking and putting this together for us so that we could
discuss it. Thank you very much to the Board for a thoughtful and
careful discussion as ever and thank you all for your patience as I
formulated one of the hairier motions that I needed to formulate in this job. I believe that we have now delegated to you, Ms. Kim, and the rest of the staff sufficient authority to move forward. Of course, if anything comes up, please don't hesitate to ask for an agenda item in our next meeting on that. And thank you-- so, thank you very much, Ms. Kim, and thanks to everybody. Let's move to agenda item number 8 where we will encounter the much-discussed and much-anticipated package related to automated decision-making and some other things titled New CPRA, which is California Privacy Rights Act, Rules Subcommittee Update and Next Steps. The New CPRA Rules Subcommittee is made up of Ms. de la Torre and Mr. Le, and they will be presenting this item. Ms. de La Torre and Mr. Le, please go ahead. Oh, wait, Mr. Mactaggart. Do you have an interjection?

MR. MACTAGGART: Yeah, I do. Hold on a sec’. There we go. Yes, sorry about this. So, yeah, when do we bring up the items we'd like to add to the rule list?

MS. URBAN: Just-- hang on. Let me check the agenda so that I don’t say the wrong thing. It will be right after this agenda item.

MR. MACTAGGART: Okay, great. Okay, thank you, yes.

MS. URBAN: Ms. de la Torre and Mr. Le, please take it away.

MR. LE: Well, actually, we will be handing it off to Mr. Nelson Richards, and then, you know, I'll add on after he shares his presentation.

MS. URBAN: Wonderful, welcome, Mr. Nelson Richards, who is our Assistant-- Deputy Chief Counsel. I have that right?

MR. NELSON RICHARDS: Assistant Chief Counsel, yeah.

MS. URBAN: Assistant Chief Counsel. I started correctly, and I
ended incorrectly. So, my apologies and congratulations on that promotion, and we are delighted to have you in that position. Please go ahead.

MR. RICHARDS: Thank you. Good afternoon, Chair Urban and members of the Board. As the Board is aware, on February 10th, 2023, the Agency released an invitation for preliminary comments on proposed rulemaking on cybersecurity audits, risk assessments, and automated decision-making. The comment period is now closed. In response to the invitation, the Agency received 57 comments totaling over 1,000 pages. The comments are posted on the Agency's website, and members of the public can review them by visiting the website and navigating to the page on preliminary rulemaking activities under the Laws and Regulations tab. Currently, staff are processing and reviewing the comments. They're continuing to research and review pertinent academic scholarship; public and private frameworks, standards, and reports; proposed legislation; and media reports. And they're using what they learn as they continue to draft the regulations. Looking ahead, the subcommittee and staff will identify key issues relating to cybersecurity audits, risk assessments, and automated decision-making technology for the Board's discussion at a meeting this summer. We expect those key issues to include, for example, how the Agency will define automated decision-making technology and how it will define significant risk to consumers' privacy or security for the regulations on risk assessment versus the regulations on cybersecurity audits. In light of the Board's expressed interest on this rulemaking during prior meetings, this process will ensure that the full Board will have input on key issues while the
regulations are being drafted. And I'll conclude by noting that
there's been particular interest among the public, as well as
legislators and other regulators, about automated decision-making
technology. The subcommittee and staff are continuing to monitor
developments in this fast-evolving area and welcome any feedback
from other Board members on that topic at this time. Thank you.

MR. LE: I will-- yeah, I'd just like to add on to Mr. Nelson
Richards. Yeah, so, you know, the subcommittee has been hard at
work. We, you know, developed quite a bit of, you know, structure
to the regulations, but we felt that it would be best to let staff
process the comments that we got before presenting the threshold
questions to the Board. I think, you know, we saw the interest from
the Board and having input on this topic. And I think how the Board
approaches these threshold questions will really impact the
regulations that the Agency drafts. We chose this approach to make
sure that staff doesn't get too deep into developing the
regulations under the subcommittee's direction only to find out
that the full Board may not agree with that direction. So, we think
this approach best balances Agency resources as well as being
considerate of all of the input we've gotten from the public. You
know, I very much look forward to presenting these special
questions to the Board at our next Board meeting or at a Board
meeting in the summer. So, with that, you know, that will pretty
much end my section of today's agenda item. Happy to answer any
questions.

MS. URBAN: Thank you, Mr. Richards. Thank you, Mr. Le. Just so
I have it straight, so the thinking would be to, in our next Board
meeting, which on our calendar is July so the second Friday in
July, and I don't-- I don't anticipate that we would have one before the other week. We could have, you know, a legislative special meeting or something if something were to come up, but at that point, the subcommittee would provide some materials for the Board on the threshold questions and ask us to consider those carefully and have the discussion then?

**MR. LE:** Yes, and then, you know, it's essentially like there are different directions we can take as a Board and as an Agency on, you know, how to define certain things or how to define risks. So, you know, before we get too deep into developing those regulations entering the official rulemaking, we thought it would be best for the full Board to have input on those special questions.

**MS. URBAN:** Yeah, and apologies for needing clarification. I think I'm still recovering from that motion. Ms. de la Torre?

**MS. DE LA TORRE:** I just quickly want to say that we do intend to bring those questions. I just don't want to commit to the next meeting necessarily. There might be a need for flexibility. That will be ideal, but let's not commit to the next meeting. We need to work with the staff on how to best organize the presentation for the Board.

**MS. URBAN:** Okay, thank you. Understood. Understood. I was-- I was trying to promise you the first possible if that's what you wanted, but that-- that's understood. We will-- I'll wait for notification that it's time and put it on the agenda then. Other comments or questions? Mr. Mactaggart?

**MR. MAC TAGGART:** This is a-- I'd just-- I'd love to get a sense of the Board whether we think it's appropriate to sort of, because
it’s an informal kind of request, but to let the leadership know that it would be okay to start portraying ourselves as, you know, the-- probably the only realistic AI regulator in North America or, I should say, sorry, in the United States. Don't want to offend the Canadians. But, you know, I think that we are-- there’s so much press right now about AI, and there’s people worried about it, and people think it’s going to solve everything in the world. We are it for the foreseeable future in terms of, you know, because of our mandate around automated decision-making, which is, after all, is what AI is all about. I just think we should be-- because it's one more, in my mind, reason in Washington for them not to preempt us with a weak law. And so, I don't really have a-- I don’t really have a-- it's not a motion or anything, but I guess, if any Board member, I guess I would say, feels like we shouldn't be sort of making noise about the fact that this is where the action is going to happen, maybe it would be useful for-- for-- for the director to hear that. But, you know, because I personally, you know, would urge us to take the time and run with it because I think this is likely to be where this incredibly important technology gets regulated in the United States in the foreseeable future, and it's a huge argument to make to Washington: just don't mess with California.

MS. URBAN: Thank you, Mr. Mactaggart. Mr. Le?

MR. LE: Yeah. And, you know, that’s exactly, Mr. Mactaggart, that's exactly why we're taking this approach. I think if-- if the Agency is, you know, and the full Board is committed to a certain direction and, you know, taking a leadership role, it would take, you know, the full Board's commitment. And I think that's why it is
so important for us to have the full Board's attention around these threshold issues on how we should approach these regulations, and that will allow staff to have, you know, more, you know, direction on, you know, how-- how best to develop the regulations on AI and these impact assessments and these automated-- automated decision-making.

**MS. URBAN:** Thank you, Mr. Le. Oh, I'm sorry, Ms. de la Torre. Go ahead.

**MS. DE LA TORRE:** Yeah, I wanted to check on that but just make a comment that obviously Colorado has finalized their rules. They do have rules on automated decision-making. They do have rules on assessments. And I think that one of the important things is to think about harmonizing ourselves with other jurisdictions, including Colorado. We will have opportunities to have that conversation as a Board. I don't disagree with what has been said, and I think that this is one area where there is going to be need to revisit whatever package we put forward in a potentially not-that-long of a period of time based on the developments on the ground. I just didn't want to minimize the efforts, you know, and the steps forward that Colorado has already taken.

**MS. URBAN:** Thank you, Ms. de la Torre. I-- I appreciate that we'll have the opportunity to discuss the issues as a Board, both to provide guidance, which, of course, I'm-- is substantively most important. But to Mr. Mactaggart's point, it-- it allows us to offer our viewpoints on how to go about this in a timely manner in one of our public meetings so thank you very much. Mr. Le and Ms. de la Torre or Mr. Richards, is there anything further you would like to say about this before I ask for public comment? Wonderful,
Mr. Sabo, would you please check to see if anyone would like to make a public comment on this agenda item?

MR. SABO: This is for agenda item number 8. If you'd like to make a comment, please raise your hand using Zoom's 'Raise Hand' feature or by pressing star 9 on your phone. Your name will be called when it's your turn, and you'll be invited to unmute yourself. Those dialing in by phone can press star 6 to unmute. You'll then have three minutes to make your comment. Again, this is for agenda item number 8, the New CPRA Rules Subcommittee Update and Next Steps. If you'd like to make a comment, please raise your hand using Zoom's 'Raise Hand' feature or by pressing star 9 on your phone. This is the last call for public comments on agenda item number 8, New CPRA Rules Subcommittee Update and Next Steps. Again, please raise your hand using Zoom's 'Raise Hand' feature by pressing star 9 if you're joining by phone today. Madam Chair, I'm not seeing any hands at this time.

MS. URBAN: Thank you very much, Mr. Sabo. Thank you to the New CPRA Rules Subcommittee. I know we'll be eager to hear from you again when you're ready, and we'll look forward to that. We now turn to agenda item number 10, a discussion of future agenda items. This is the place to offer items to be considered for future agendas in addition to the standing items we've already discussed under agenda item number 4. Accordingly, the regularized items we discussed, we don't have to mention, although you're welcome to if you would like. I have a running list that I've been keeping, that I will go through just so you know that it's there and then open it up to comments so I can add to the list and staff can add to the list. We have some strategic planning items coming up as needed per
Ms. Chitambira's update in agenda item number 3 today. We will soon need to discuss some additional practices and procedures, for example, with regard to enforcement, and staff will guide when it makes sense to talk about that. I have the chief privacy auditor on my list, which Ms. de la Torre also mentioned today, the Executive Director Review, although that's on the standard calendar. Ms. de la Torre and I will have a Rulemaking Process Subcommittee update. We're not certain yet if it will be partially in the next meeting or in September, but as a heads up to everybody and as a reminder, we will have to bring to you guidance from the staff on the interaction of the CCPA with the Insurance Code and any recommendations we have on rulemaking process going forward. Thank you for your patience, and we are looking forward to talking with you about it when it's a good time to do so. We will welcome and approve California Children Data Protection Working Group appointees when those are ready. My understanding there's a sort of broad effort overall to organize that across the state so that will come when it comes. And so that is the list of everything except for the rulemaking topics that you want to bring up in the public meeting, rather than alerting staff separately. And just as a reminder to please mention those on your list if you have them as well as any other future agenda items. With that-- excuse me. Are there future agenda items from any other Board members? Thank you, Mr. Mactaggart? Please go ahead.

**MR. MACTAGGART:** Great. Okay, thank you. Alright. So, I have a couple here. One, and I suppose I think this is mostly probably from-- for Ms. Kim.

**MS. URBAN:** So, is that, Ms. Kim, if you're still here, would
you mind? I mean, I'm sure you're there and listening. Alright.

Thank you. Go ahead, Mr. Mactaggart.

**MR. MACTAGGART:** Okay. So, I'm going to have a couple of references to stuff that was in the earlier regs, and then we had that rainbow color one, you know, we struck some. It had some in some language changed. So, first, I have a couple of ones about that. In the old version of the regs, there was a concept around SPI that was collected and by businesses that didn't have an online presence, and we struck, and this is the old 7014(e) for “echo”(3), and the concept dropped out. I'd like to get it back in the mix of things. So, if you walk into a store or something that doesn't necessarily have an online presence and it's collecting your SPI, how do you opt out? So, just want to kind of flag that. The old 7013(e)(3) just dropped out and didn't come back in. Then, my next one is we have this tension right now, there's a desire not to disclose-- businesses not having to disclose highly sensitive information. So, in 7024(d), currently, the regulations just say that the regular businesses shall not disclose highly sensitive personal information. However, in, 7023(j), the right to correct, the businesses-- the regulations say that the business must provide a way to confirm that the personal information it maintains is the same as what the consumer has provided. So, under the right to correct, I can go and say, "Here's my Social Security number. Is that what you have?" And they can say yes or no. Under the right to know, I can go and say, "Hey, what's my Social Security number?" And they just say, "We've collected it, that's all." And that's— in order to actually find out what they have, I kind of have to go and ask for the right to correct. So, I would just ask you to look
at that because there is this kind of I have to make a request to
correct in order to actually find out what information you have on
me, and so I think that's a little absurd. There should be a way
for me to figure out.

MS. KIM: That was-- that's actually included in the green
topic of--

MR. MACTAGGART: Oh, is it? Okay. I’ll shut up. I’ll shut up.
Sorry, I apologize.

MS. KIM: No, it’s not a problem. I should have clarified that.

MR. MACTAGGART: Okay, I'm sorry, I didn’t-- didn't see that.

Well, then maybe you'll stop me. The next one is the security and
integrity issue. That’s one, in the statute, it’s defined as "to
help ensure security and integrity." In the regulations, the
preamble and 7027(m)(2), it includes the words "prevent and
investigate," “to prevent, detect, and investigate security
incidents." And the words "prevent and investigate" are a huge
diminution of the sort of limited carve-out that security is given
to say the right to delete, you know, why you can ignore a request.
And so, I would-- as Director Soltani will recall in 2019, there
was a law, AB 1416, that was proposed or proposed law that would
have amended the statute that way, and many folks in the privacy
community pushed back against this broadening of this carve-out.
And so, I would like to go back to what's in the statute as opposed
to including these two new words "prevent and investigate," and if
I've missed something--

MS. KIM: So, yes, this was in the yellow section of 7058(4).

MR. MACTAGGART: Stop me next time. I didn’t see it.

MS. KIM: Because, you know, I realized it’s described a bit
broadly but that’s to look into whether we should revise the data
security purposes for which service providers and contractors can
use personal information.

MR. MACTAGGART: Okay, I think actually, Chair Urban, this
underlines my previous point. The descriptors are so broad in the
list of what Ms. Kim’s putting together that they don’t necessarily
provide granularity to businesses going forward. So, that’s all I
would suggest in the future as we sort of flag some of these things
we’re working on because I read that, and I didn’t even know that
that was addressing the issue I cared about so--

MS. URBAN: So, maybe on the list that we are working with
a little bit more detail without staff having to research the
whole thing? Okay.

MR. MACTAGGART: Right.

MS. URBAN: Thank you.

MR. MACTAGGART: Now, okay. So, one, I just have a couple more
concepts here.

MS. URBAN: Mr. Mactaggart, I apologize for stopping you for
just a second. I just wanted to thank Ms. de la Torre for her
service today. I know she needs to drop off of the meeting, and
we'll look forward to seeing her next time. Thanks so much, Ms. de
la Torre.

MS. DE LA TORRE: Thank you so much.

MR. MACTAGGART: Thank you.

MS. URBAN: Mr. Mactaggart, thank you for the pause.

MR. MACTAGGART: Yeah. No problem.

MS. URBAN: Maybe start that one at the beginning.

MR. MACTAGGART: Yeah. So, the next one is, I'd love to request
that staff study a regulation to require that businesses, you know, include-- somehow the opt-out, they'd study the implementation of an opt-out that embraces what we're all increasingly seeing this sort of reject all non-necessary cookies button. That's what people are kind of getting used to seeing. And so, I'd love if that, I mean, that might actually end up being the default where we say when we're trying to opt out if you're not doing it via your browser, if you're doing it, you know, one at a time. And I think our authority is under 185(a)(19)(iv), which requires business to see no more than three choices when setting a preference and the 194(a) requires the first option to be the most privacy, a one-click opt-out from all sale or sharing. And so, I guess all I'm saying is we kind of-- the statute said there should be a one-click to opt out that should be the first thing consumers see. Meanwhile, privacy for businesses have kind of based on Europe, I think, mostly come up with this, you know, reject all non-necessary cookies, and I always like it when I see that, and I'm always annoyed when I have to go through and, you know, individually select each category of cookie. So, that's one request I'd have staff take a look at that. The next one is that one of our, and this might-- this might be, Chair Urban, this might be, or Ms. Kim, this might already be in the model contracts or model, one of the models. But just the notion of the regular risk assessments that the high-risk processors have to fill out. Is it feasible, and is it a good idea to have the sort of a form that is standard where the CEO and the chief privacy officer of the business have to certify under oath that they've, you know, treated the information consistent with the law and consistent with their own
representations about what they do with the data? Those two things, I think, would focus a lot of attention on making sure that the business is doing it because it's the CEO and the chief privacy officer have to, you know, certify under penalty of perjury they've done this, that will get the whole business working, I think, in a privacy forward way. And then my last request would be granularity around deletion. If we can look at a requirement that I, as a consumer, could delete some of my data, and I’m thinking mostly around, you know, because right now businesses make it difficult. It’s all or nothing. And so you think I don't want to lose, you know, I’ve-- I’ve built a business on one of these social media platforms where I'm spending an awful lot of time on it, and what I really want to do is I want to delete my geolocation data. You know, you don’t need to know where I was, but I want to keep other things. And right now, we don't have that requirement, and I think something like that consumers would actually welcome as a sort of middle ground, and not-- because in a way that the delete all or nothing kind of is a dark pattern. It's like, well, you're not going to delete all your data here so you still want to, you know, have a presence, so I'd love to be able to say to Facebook, “Actually, just delete my location.” So, those are my-- those are my other-- that's my list of things.

**MS. URBAN:** Thank you very much, Mr. Mactaggart. And we can't discuss them in detail today, but, Ms. Kim, you have those written down? Wonderful. Mr. Le or Mr. Mactaggart, I am sorry, while we're with you, do you have any other potential future agenda items? Alright.

**MR. MACTAGGART:** No, that's it. Thank you.
MS. URBAN: Mr. Le? Not to put you on the spot, I just want to be sure I don't miss you. Okay, nothing from Mr. Le. I have run through my list, and I realized I usually update it during the conversation. Of course, there is a future agenda item for the New CPRA Rules Subcommittee when they're ready as well. At this time, Mr. Sabo, would you mind asking for public comments on this item? If the public has anything they would like to suggest, we would like to hear it.

MR. SABO: This is for agenda item 10, Future Agenda Items. If you'd like to make a comment, please raise your hand using the Zoom 'Raise Hand' feature or by pressing star 9 on your phone. Your name will be called when it's your turn, and you'll then be invited to unmute yourself. Those dialing in by phone can press star 6 to unmute. You'll then have three minutes to make your comments. Again, this is for agenda item 10, Future Agenda Items. Again, if you'd like to speak on the agenda item 10, Future Agenda Items, please go ahead and raise your hand at this time using the Zoom 'Raise Hand' feature or by pressing star 9 if you're joining by phone. This is the final boarding call for agenda item 10, Future Agenda Items. Madam Chair, I'm not seeing any hands at this time.

MS. URBAN: Thank you very much, Mr. Sabo, and thanks everybody for this discussion. With that, we will move to agenda item number 10. Mr. Mactaggart, you're under the wire. I'm going to let you in.

MR. MACTAGGART: I'm really sorry.

MS. URBAN: I'm going to let you in. Go for it.

MR. MACTAGGART: Sorry. Ms. Kim, I just went back and checked that-- that one notification in your list of 7050, and the one
thing I just would highlight is, I think, that's restricted to the
data that prevent for service providers and contractors, and I
actually think it should also apply to the business. Because also
the business can say not delete, and I don't think it's appropriate
for statute to have the security exemption include to prevent or
investigate for the business as well. It's not just the service
providers and the contractors. I think it's everybody.

MS. KIM: So noted. Thank you.

MS. URBAN: Thank you, Mr. Mactaggart. Alright. I'm going to
pause for just a second, just in case. Alright. With that, we will
move to agenda item number 10, Adjournment. I want to thank
everyone-- Board members, staff, and members of the public-- for
all your contributions to the meeting today and to the Board's
work, and everybody for working to make the meeting work, and for
us to be able to have our discussion about everything on the
agenda, even though our schedule was a little bit wonky today. So,
thanks everyone very much for all of your work, thanks especially
to the staff, who provided expert guidance and background for us
today. It's been really wonderful and heartening to see what a
terrific staff the Agency has built and to benefit from your
expertise so thank you. And with that, may I have a motion to
adjourn the meeting?

MR. LE: I so move.

MS. URBAN: Thank you, Mr. Le. May I have a second?

MR. MACTAGGART: I second.

MS. URBAN: Thank you very much, Mr. Mactaggart. And Mr. Le. I
have a motion and a second to adjourn the meeting. Mr. Sabo, would
you please perform the roll call vote?

MR. SABO: Yes, the motion is to adjourn. Board member De La
Torre? Board member Le?

   MR. LE: Aye.

   MR. SABO: Le, aye. Board member Mactaggart?

   MR. MACTAGGART: Aye.

   MR. SABO: Mactaggart, aye. Chair Urban?

   MS. URBAN: Aye.

   MR. SABO: Urban, aye. Madam Chair, you have three ayes and one not present.

   MS. URBAN: Thank you very much, Mr. Sabo. We have a quorum with three, therefore, the motion has been approved by a vote of 3-0, and this meeting of the California Privacy Protection Agency Board is adjourned. Thank you all very much.

(End of recording)
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