

Data Broker Registry Regulations

Chapter 3. Data Broker Registration

Article 1. Annual Registration Fees

Amend the following section:

§ 7600. Annual Registration Fee.

- (a) The annual fee to register as a data broker is \$400.00.
- (b) Data brokers are required to pay the registration fee, and any associated processing fees, by credit card during the registration period through the Agency's website, except as provided for in subsection (c).
- (c) The Agency may authorize a business to pay its registration fee using an alternative method of payment (e.g., check or money order) on a case-by-case basis if the business demonstrates in written correspondence to the Agency that it cannot pay by credit card or that paying by credit card would be unreasonably burdensome to the business. Payments submitted through alternative methods without prior authorization by the Agency will not be accepted.
- (d) The annual registration fee cannot be prorated and is nonrefundable.

Adopt the following sections:

Article 2. Registration Requirements

§ 7601. Definitions.

In addition to the definitions set forth in Civil Code section 1798.99.80:

- (a) "Direct relationship" means that a consumer intentionally interacts with a business for the purpose of obtaining information about, accessing, purchasing, using, or requesting the business's products or services within the preceding three years. A consumer does not have a "direct relationship" with a business if the purpose of their engagement is to exercise any right described under Title 1.81.5 of Part 4 of Division 3 of the Civil Code, or for the business to verify the consumer's identity. A business is still a data broker if it has a direct relationship with a consumer but also sells personal information about the consumer that the business did not collect directly from the consumer.

- (b) “Minor” means a consumer the data broker has actual knowledge is less than 16 years of age. A business that willfully disregards the consumer’s age shall be deemed to have had actual knowledge of the consumer’s age.
- (c) “Register” means when a data broker or its agent submits all the information required by section 7603 and pays the annual registration fee required by section 7600.
- (d) “Registration period” means January 1–31 of each calendar year.
- (e) “Reproductive health care data” means any of the following:
 - (1) Information about a consumer searching for, accessing, procuring, using, or otherwise interacting with goods or services associated with the human reproductive system, which includes goods such as contraception (e.g., condoms, birth-control pills), pre-natal and fertility vitamins and supplements, menstrual-tracking apps, and hormone-replacement therapy. It also includes, but is not limited to, services such as sperm- and egg-freezing, In Vitro Fertilization, abortion care, vasectomies, sexual health counseling; treatment or counseling for sexually transmitted infections, erectile dysfunction, and reproductive tract infections; and precise geolocation information about such treatments.
 - (2) Information about the consumer’s sexual history and family planning, which includes information a consumer inputs into a dating app about their history of sexually transmitted infections or desire to have children.
 - (3) Inferences about the consumer with respect to (a) or (b).

§ 7602. Registration Submission Requirements.

- (a) A business, regardless of its status as a parent company or subsidiary of another business, which independently meets the definition of “data broker” as set forth in Civil Code section 1798.99.80 for any period of time during the previous calendar year must register during the registration period through the Agency’s website.
- (b) Registration must be completed by an employee or agent of the data broker who is authorized to register the data broker and has sufficient knowledge of the data broker’s practices to provide accurate information and otherwise comply with the requirements in section 7603. The employee or agent who registers the data broker must certify under penalty of perjury that to the best of their knowledge the information they submit is true and correct.
- (c) A data broker cannot amend or withdraw a completed registration after January 31, except as set forth in section 7604.

§ 7603. Registration Information Requirements.

- (a) A data broker must provide only true and correct responses when submitting the registration information required by Civil Code section 1798.99.82.
- (b) All website links and email addresses provided in the registration must be accurate and functional.
- (c) In addition to the information required by Civil Code section 1798.99.82, a data broker must include the business's trade name (i.e., "DBA"), if applicable, and provide the Agency with a point of contact, including name, email, and phone number. The point of contact information will not be posted on the public data broker registry.
- (d) When reporting the extent to which the data broker is regulated by the other laws described in Civil Code section 1798.99.82(b)(2)(H), a data broker must describe:
 - (1) The types of personal information the data broker collects and sells that are subject to the enumerated laws;
 - (2) The product(s) or services covered by the enumerated state or federal law;
 - (3) The approximate proportion of data collected and sold that is subject to the enumerated laws in comparison with their total annual data collection and sales (i.e., percentage of their general data broker activities).

§ 7604. Changes to Registration Information After Registration Period Closes.

- (a) After the registration period closes, a data broker cannot be removed from the publicly posted registry, except in cases where a data broker was erroneously registered (e.g., fraudulent submission). In cases of an erroneous registration, the business must submit to the Agency a written request for removal from the registry that explains why the business should not be included on the registry and any supporting evidence.
- (b) Notwithstanding subsection (a), a data broker may contact the Agency in writing to update its current registration at any time to reflect the following:
 - (1) A change in the name, email, or phone number of the point of contact;
 - (2) A change in the data broker's public-facing contact information, provided pursuant to Civil Code section 1798.99.82(b)(2)(A); or
 - (3) A change in the data broker's public-facing website addresses, provided pursuant to Civil Code section 1798.99.82(b)(2)(A) and (b)(2)(G).

§ 7605. Requirements for Website Disclosures

- (a) A data broker's disclosure of metrics required by Civil Code section 1798.99.85 must comply with section 7003 and, where applicable and technically feasible, disclose the metrics in a structured, commonly used, machine-readable format.
- (b) A data broker's disclosure on its website of metrics required by Civil Code section 1798.99.82(b)(2)(G) must comply with section 7003.