

1 CALIFORNIA PRIVACY PROTECTION AGENCY BOARD

2
3 AUDIO TRANSCRIPTION OF RECORDED PUBLIC MEETING

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6 FRIDAY, MAY 10, 2024

7 LENGTH: 2:10:00

8 10:41 AM

9
10 Present: JENNIFER M. URBAN, Chairperson of the Board
11 PHILIP LAIRD, Meeting Counsel
12 ASHKAN SOLTANI, Executive Director.
13 SERENA MARZION, Moderator
14 VINHCENT LE, Board Member
15 DREW LIEBERT, Board Member
16 ALASTAIR MACTAGGART, Board Member
17 JEFFREY WORTH, Board Member
18 LIZ ALLEN, Legal Division
19 JOSE TORRES CASILLAS, TechNet
20 BAILEY SANCHEZ, Senior Counsel with
21 the Future of Privacy Forum
22 MATT SCHWARTZ, Policy analyst at Consumer Reports
23 LISA KIM, Senior Privacy Counsel and
24 Advisor for the CPPA
25 MEGAN WHITE, Deputy Director for Public
and External Affairs

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CHAIR URBAN: Good morning. Welcome to this meeting of the California Privacy Protection Agency Board. It's May 10th, 2024 at 10:41 a.m. My name is Jennifer Urban and I'm the chairperson of the Board. I'm very pleased to be here in person with the Board and members of the public to welcome many of you via Zoom as well. I'd like to thank everyone for your patience while we work out technical difficulties with the hybrid meeting.

Before we get started on the discussions I have some logistical announcements. I would like everyone to please check that your microphone is muted when you are not speaking and that's especially important as given that we had to have a work around for the sound today. For Board members and folks who are presenting today, to turn it on and you also have to press it to turn it off. So I would like to ask you to be sure to mute your microphone when you're not using it. Thank you.

And then, very importantly, this meeting is being recorded, so be aware of that. As it is s abundantly obvious, this morning our temporary ability to meet remotely and still comply to Bagley-Keene has expired. Therefore, this meeting is in a hybrid format and that creates technical complexity. And we're also in a new venue today at the California Public Utilities Commission. Accordingly,

1 if we have further technical kinks during the meeting, we'll
2 pause the meeting and address the issue.

3 As we have a new venue, our new Board meeting
4 location, you are in the California Public Utilities
5 Commission in San Francisco, we really appreciate the CPUC
6 team for their hospitality in not only allowing use to their
7 auditorium, but also providing AV assistance today. We
8 obviously created a challenge. So thank you. That said
9 this is our first meeting here, so thank you again for your
10 patience.

11 Today's meeting will be run according to the
12 Bagley-Keene Open Act as required by law. We will proceed by
13 the agenda, which is available on the website and as a hand
14 out here in San Francisco. The meeting for that --
15 materials for that meeting are also available on our website
16 in the meeting materials for this date and here in San
17 Francisco. You may notice Board members looking at their
18 laptops, phones, or other devices during the meeting.
19 They're using the devices solely to access Board meeting
20 materials.

21 After each agenda item, there will be an
22 opportunity for question and discussion for Board members.
23 I'll also ask for public comment on each agenda item. Each
24 speaker will be limited to three minutes per agenda item.
25 We also have designated time on each agenda for general

1 public comment, which is agenda Item Number 7 today. I'm
2 going to talk now about the meeting logistics.

3 If you are attending via Zoom and you wish to
4 speak on an item, please wait until I call for public
5 comment on that item and allow the staff to prepare for the
6 Zoom public comments, then use your Raise Your Hand
7 function, which is the reaction at the bottom of your
8 screen. If you wish to speak on an item and your joining
9 via phone, please press star 9 on your phone to show the
10 moderator you are raising your hand.

11 Our moderator will call your name when it's your
12 turn and request that you unmute yourself in order to give
13 comment. Those using the webinar can of course use the
14 unmute and those dialing in by phone can press star 6 to
15 unmute. When your comment is completed, the moderator will
16 mute you. Please do note that the Board will not be able to
17 see you, only to hear your voice.

18 Therefore it's really helpful if you identify
19 yourself but this is entirely voluntary and you can input a
20 pseudonym if you log into the meeting or you are joining the
21 webinar as well. And if you're attending in person and you
22 wish to speak on an item, please wait for me to call for
23 public comment and then move towards podium to my left and
24 to your right, where you will be called to speak in turn.

25 As with the Zoom attendees it is helpful if you

1 identify yourself, but it's entirely voluntary and you are
2 free to refer yourself with a pseudonym or not give a name.
3 Please do speak into microphone so everyone participating
4 remotely can hear you and your remarks can be recorded in
5 the meeting record.

6 I'd to thank Mr. Robert Stanford and his team for
7 managing the technical aspect in todays meeting, including
8 Mr. Francisco Hernandez. And second I'd like to explain
9 what to do if you attending remotely experience an issue
10 with the remote meeting devices. For example, the audio
11 dropping. If something happens, please e-mail
12 info@coppa.ca.gov, that's India, November, Foxtrot, Oscar at
13 Charlie, Papa, Papa, Alpha, Charlie, Alpha, Golf, Oscar,
14 Victor, info@coppa.ca.gov. This will be monitored throughout
15 the meeting. And if there is an issue that affects the
16 remote meeting, we will pause and let the technical staff
17 work on the issue.

18 The Board welcome public comment on any item on
19 the agenda and it is our intent to ask for public comment
20 prior to voting on the agenda item. If for some reason I
21 forget to ask for public comment and you wish to speak on
22 that item, please let us know either by raising your hand if
23 you're here in person or by raising your hand in the remote
24 meeting and the moderator will recognize you.

25 If you're here in person -- excuse me. So in any

1 case, we'll go back and make sure that we get your comment.
2 Once again, please recall that each speaker will be limited
3 to three minutes per agenda item with public comments. And
4 if you are speaking on an agenda item both the Board members
5 and members of the public must contain comments to that
6 agenda item.

7 Relatedly, I'd like to remind everybody of some
8 technical rules of the road under Bagley-Keene. That is, we
9 have to discuss what we have noted on the agenda for today,
10 which is why you need to stick to that topic, when we have
11 public comments on that agenda item. But as I mentioned
12 earlier, the public can bring up additional topics to the
13 Board when it gets to that agenda item based on the agenda
14 item that goes to that specific purpose. As I mentioned,
15 it's number 7 today.

16 When we get there though, we can listen but the
17 Board members cannot respond. We can only discuss whether
18 or not to put that in the agenda for discussions in the
19 future. We'll take breaks through the meeting today
20 including breaking for lunch. I'll announce each break and
21 estimate the time to return so the members of the public can
22 leave and come back. Please note the 9th agenda item is
23 closed session item. When we are finished with closed item,
24 we will return and I will announce that it is closed session
25 so that you know before we go into that session.

1 My thanks to the Board members for their service
2 and to all the people working to make it possible today.
3 Again, I would like to thank staff for supporting us. Both
4 the staff from CPUC and everyone from CPPA working together
5 for us today. I'd like to thank Mr. Philip Laird who is
6 our meeting counsel today. Mr. Ashkan Soltani, he's here in
7 capacity as our Executive Director. And all our expert
8 staff who will be briefing us today. I would like to that
9 and welcome our moderator -- new moderator today, Ms. Serena
10 Marzion, and ask her to please conduct the roll call vote --
11 excuse me, the roll call.

12 MS. MARZION: Board member Le.

13 MR. LE: Here.

14 MS. MARZION: Board member Liebert.

15 MR. LIEBERT: Here.

16 MS. MARZION: Board member Mactaggart.

17 MR. MACTAGGART: Here.

18 MS. MARZION: Board member Worth.

19 MR. WORTH: Here.

20 MS. MARZION: And Chair Urban.

21 CHAIR URBAN: Present.

22 MS. MARZION: Madam Chair, you have five present
23 members and no absences.

24 CHAIR URBAN: Thank you very much, Ms. Marzion.

25 Now that the Board has established a quorum, I would like

1 everyone to know that we would be making a roll call vote on
2 any action item. With that, we will move to Agenda Item
3 Number 2, which is an update from the CPPA Chairperson. I'm
4 pleased to cover four items today and I'm going to pause for
5 just a second.

6 MR. SOLTANI: Chairperson, may I recommend we go to
7 closed session.

8 CHAIR URBAN: Of course.

9 MR. SOLTANI: And if you could please, announce to
10 the Zoom stream that down and then folks can return to the
11 Zoom stream once it's back up. We'll tweet when it's added.

12 CHAIR URBAN: Okay. Thank you very much. So,
13 there is still work going on in the background on the
14 technical issues with the meeting today. So I'll announce
15 that we are going to take the closed session items out of
16 order and go ahead and have the Board leave the meeting.
17 Let me explain what the closed session item is. And our
18 executive director has asked me to announced to everyone
19 joining us via Zoom -- welcome, that you should, when we go
20 into closed session, go ahead and leave the Zoom meeting.
21 And there will be a notice what channel?

22 MR. SOLTANI: Twitter.

23 CHAIR URBAN: On Twitter channel when the Zoom
24 session is back and you can just dial back in or log back in
25 at that time. Thank you again, everyone so much for your

1 patience. So, before we do that though, I do want to very
2 briefly welcome our new Board member, Mr. Drew Liebert just
3 so people know that you're here and who you are. I will
4 welcome you properly when we come back. But for now, please
5 turn your attention to your agenda in the agenda Item Number
6 9. Agenda Item Number 9 is a closed session item.

7 Closed session will be discussion of two items.
8 First, pursuant to Government Code Section 11126(e)(1) and
9 (2)(A). We will meet in closed session to confer and
10 receive advice from legal counsel regarding the two matters:
11 California Chamber of Commerce vs. California Privacy
12 Protection Agency et. Al, and California Privacy Protection
13 Agency et.al vs. The Superior Court in the State of
14 California for the County of Sacramento and the California
15 Chamber Commerce.

16 In addition, we will meet in closed session to
17 discuss the personnel matters pursuant to Government Code
18 Section 11126(a)(1). I expect that we will be back within
19 an hour. And again, please do note the staff will be giving
20 a notice when the Zoom stream is restarting. Thank you very
21 much for your attention, again, for your patience and we'll
22 return after the closed session item. Thank you.

23 CHAIR URBAN: Thank you very much, Mr. Soltani, and
24 welcome back everyone to this meeting of the California
25 Privacy Protection Agency Board. Thank you all for your

1 patience while staff continue to work on the technical
2 difficulties with our hybrid meeting while the Board met in
3 closed session. We are returning now from closed session,
4 which was agenda Item Number 9 on your agenda for today.
5 And we'll be going to agenda Item Number 2, which is the
6 chairperson's update.

7 I'm pleased to cover four items today. The first
8 is bittersweet. Many thanks to Ms. Lydia de la Torre for
9 her stalwart service on the Board from the inception of the
10 Board and the Agency. She's lent us her passion for
11 privacy, her transatlantic expertise, and has made
12 tremendous strides towards building our connections across
13 the data protection and privacy regulatory community. For
14 example, she was key to our joining the Global Assembly two
15 or three years ago.

16 We have a more formal, thank you plan for Ms.
17 Lydia de la Torre in July, when we hope to welcome her in
18 person. So we must, say goodbye to Ms. Lydia de la Torre,
19 which is bittersweet. At the same time, I'm absolutely
20 thrilled to welcome Mr. Drew Liebert, who is tasked with
21 filling her big shoes as the appointee for Senate President
22 Pro-term Mike McGuire. Mr. Liebert took his position in
23 April of 2022. So this is his first time that he's joining
24 us for a Board meeting.

25 He brings exceptional California policy experience

1 to the Board, and specifically California legislative
2 experience, having served for more than two decades in staff
3 leadership roles in the California legislature, including 18
4 years as chief counsel to the Assembly Judiciary Committee.
5 Judiciary considers many technology measures, so he has
6 tremendous experience, considering those measures,
7 evaluating those, analyzing them, and advising state
8 lawmakers on tech issues.

9 And most recently, he served as Chief of Staff to
10 the Senate Majority Leader. He was a Coro Foundation
11 Fellowship in Public Affairs, an amazing program. And we're
12 pleased that we'll have that experience on the Board as
13 well. And he is been named a California Lawyer of the Year.
14 Nearest and dearest to my heart, he's a graduate -- a
15 two-time graduate, I believe, of UC Berkeley, recipient of a
16 Master's in public policy from the Claremont Graduate
17 School. And his law degree is from UC Berkeley School of
18 Law. Welcome -- a warm welcome to you, Mr. Liebert. We are
19 delighted to have you.

20 And I will ask the Board, for comments in a
21 moment, but I want to go ahead and get through my four
22 items. My third is that I'm absolutely delighted to
23 highlight the pre-roll making stakeholder sessions. The
24 Agency is holding to provide information on and hear from
25 the public on the draft automated decision making, risk

1 assessment and cybersecurity audit -- excuse me,
2 cybersecurity audit regulations that the Agency's working
3 on. They start next week, and I'm really excited. There'll
4 be a first one in Los Angeles this coming Monday, May 13th.
5 The second one is in Fresno on Wednesday, May 15th, and the
6 third is in Sacramento on Wednesday, May 22nd. The first
7 two sessions are in person and the Sacramento session will
8 be hybrid with both in-person and remote options.

9 We won't be discussing those drafts today.
10 They're under construction and staff is receiving input as
11 in -- as in the sessions. So they're not on the agenda for
12 today's meeting. But the Board had a robust discussion of
13 them in March, in which members of the public and some
14 members of the Board requested these pre-roll making public
15 sessions. I know I was especially strong in my request for
16 public input, and I want to deeply and truly thank the staff
17 for putting these together and in such a short period of
18 time.

19 I know this has required a very large team, a
20 large chunk of our small but mighty Agency working full
21 tilt, to be sure to bring the public further -- even further
22 into the conversation, and collect the information. So I'm
23 really looking forward to doing the welcome in Fresno and
24 Sacramento, welcoming people there. And again, I really,
25 really want to thank the staff for this and look forward to

1 hearing from the public.

2 This is an appropriate segue into my fourth update
3 item, which is the day of the finale of National Public
4 Service Recognition Week, which is an annual week for
5 honoring those in public service. I'd like to especially
6 recognize the staff at the Agency for what they've been able
7 to accomplish over the last year and indeed the last years.
8 With a tiny team to a lean team, they have put out
9 regulations, they've developed some amazing public awareness
10 materials and guidance for companies. They have built an
11 enforcement team and they have been doing all of the things
12 that make an Agency run. But they are invisible as well.

13 And I really want to recognize them, especially if
14 we're taking a chance on a new Agency and bringing all of
15 your expertise and energy and passion to serve the public,
16 to protect Californian's privacy. And as we move -- as we
17 continue to move through the technological age, we see you.
18 We appreciate you and we are incredibly impressed with what
19 you've accomplished and your dedication every day to
20 protecting Californian's privacy. So thank you, from me and
21 I know I speak for the Board as well when I say that.

22 Those are my four items, for today, quite
23 celebratory and a little bittersweet. Are there any
24 questions or comments from other Board members? And
25 remember, I have to turn to see you, so give a chance. Yes,

1 Mr. Mactaggart?

2 MR. MACTAGGART: Yeah, I'd like to welcome, Drew,
3 Mr. Liebert. I just want to say he was someone I worked
4 with closely in the legislature over the years. And so from
5 my perspective, he's committed to privacy is well
6 established. And he was always a pleasure to work with in
7 that role wearing that hat. And I'm looking forward to
8 working with him wearing this hat because I know he's a
9 thoughtful, person who is focused on getting things done as
10 opposed to postering.

11 CHAIR URBAN: Thank you, Mr. Mactaggart. Other
12 questions or comments from Board members? Wonderful. Do we
13 have any comments from the public.

14 MS. MARZION: I believe there's a hand raised
15 online.

16 CHAIR URBAN: Thank you.

17 MS. MARZION: Erika de Val, you have three minutes.
18 Please unmute yourself. I believe, Erika, you can go ahead.
19 Erika, we're not hearing you. So, we can give you just a
20 moment longer. Chair, we don't have any other comments.
21 Would you like me to?

22 CHAIR URBAN: Thank you, Ms. Marzion. I just want
23 to pause and ask if there could be an issue with the audio
24 the other way, and if we can always -- I will invite our
25 commenter to come back around during the open session for

1 sure. The open -- the item for open public comment but also
2 I would just ask, please stop me if we need to pause the
3 meeting. Otherwise, I'll move on.

4 MS. MARZION: We just had another hand raised.

5 CHAIR URBAN: Okay. Wonderful. Thank you.

6 MS. MARZION: Andrea, go ahead and unmute yourself.

7 MS. MCPHERSON: I'm not quite sure the relevance of this
8 particular question according to the agenda item, but with
9 that being said, do you have to basically, state your
10 disability in order to receive ADA rights, when it comes to
11 -- in accordance to this meeting or any other public
12 meeting? And I have that question because I do have a
13 senior, that would like to attend, but they're not quite
14 sure on what they should do if they should, be present
15 during a meeting, because they cannot use that whole virtual
16 world that you speak of.

17 CHAIR URBAN: Thank you very much. Mr. Laird?

18 MR. LAIRD: Would you like me to respond? So for
19 those wanting to participate in person, we do post our
20 agenda out at least 10 days in advance on our website, and
21 it also has information about if you require accommodations
22 for a disability, who to contact so we can arrange for those
23 proper accommodations. So I'd encourage folks to both visit
24 our website, and then you can also e-mail our info box,
25 which is info, I-N-F-O @cppa.ca.gov.

1 CHAIR URBAN: Thank you so much, Andrea McPherson,
2 and please do contact staff, if you're having trouble with
3 the instructions in the -- in the agenda. Thank you so
4 much. Ms. Marzion is there --

5 MS. MARZION: Yes, we have one more hand raised.

6 CHAIR URBAN: Thank you.

7 MS. MARZION: S-Y-A-S-L intern. Go ahead and
8 unmute yourself.

9 SYASL INTERN: Hi. I'm currently just in as an
10 attendee, but I was curious to know which item number we are
11 like in reference to the agenda.

12 CHAIR URBAN: Of course. Absolutely. We are on
13 Item Number 2, and we will next move to Item Number 3, which
14 is an update from our deputy director for legislation.

15 SYASL INTERN: Thank you.

16 MS. MARZION: `Madam Chair, we have no other hands
17 raised.

18 CHAIR URBAN: Thank you very much, Ms. Marzion.
19 With that, we will move to agenda Item Number 3, which is an
20 update from our deputy -- a legislative update and
21 authorization of CPPA position on depending legislation,
22 from our Deputy Director of policy and legislation, Ms.
23 Maureen Mahoney. As a reminder, this item is part of our
24 regularized calendar, which you can find on our website
25 under the meetings and events page.

1 So far as possible, we have to move things around
2 sometimes, and this is scheduled to as much as possible,
3 help coincide with the legislative calendar such that we can
4 provide guidance at a helpful time for the legislature.
5 Also, as a reminder, this is one of two meetings --
6 regularized meetings on legislative matters. The other is
7 the last meeting of the year, and would normally include
8 discussion of any potential CPPA sponsored bills for the
9 next legislative session.

10 Also as a reminder and as background from Mr.
11 Liebert and Mr. Worth, whom I think this is our -- their
12 first legislative meeting. In December, 2022, the Board
13 adopted a policy for considering bills that are intended to
14 align our legislation -- excuse me, intended to align our
15 legislation and policy teams and our resources work with the
16 work we are charged for, for the public.

17 Accordingly, Ms. Mahoney recess on bills related
18 to the Agency. In practice, this means those that would
19 affect the Agency's operations or jurisdiction, in addition
20 Board members or staff are always free to bring bills of
21 interest to her attention, for her review. So I'd like to
22 draw your attention to the materials for this item. There's
23 a memo on AB 1949 and a presentation, if I may say so, Ms.
24 Mahoney, it's very helpful indeed. There are -- it's an
25 active time in the legislature, for work that connects to

1 our work. And so there are a number of bills and it's very
2 helpful to have this resource. And with that, I would like
3 you to turn it over to you. Please go ahead.

4 MS. MAHONEY: Thank you, Chairperson Urban. Board
5 members I really appreciate the opportunity to discuss the
6 Agency's legislative work. And we can go ahead and move to
7 the next slide please. For this item, I'll do several
8 things. First, provide an update on federal legislation,
9 specifically the newly proposed American Privacy Rights Act
10 discussion draft. Next, I'll provide a brief update on the
11 states that have adopted consumer privacy legislation this
12 year. Third, provide an update on California bills that
13 then staff's view would affect the Agency. And at the end,
14 I'll present for Board consideration recommended position on
15 a bill that in staff's view would have the greatest impact,
16 on the Agency AB 1949, which seeks to amend the provisions
17 in the CCPA with respect to children. And then perhaps
18 after each of these sections, I'll pause for comments or
19 feedback from the Board, recognizing that we're going to be
20 covering a lot of territory in this item. Next slide
21 please.

22 First, turning to federal legislation. So, as
23 you've likely heard, Congress has reached two corners
24 agreement on a privacy framework with sweeping state
25 preemption language, chair of health, energy, and commerce.

1 Cathy McMorris Rodgers, and Senate Commerce Chair Maria
2 Cantwell, announced agreement on an American Privacy Rights
3 Act discussion draft in early April.

4 In terms of where the other two corners stand,
5 House E&C ranking member Pallone, seems tentatively
6 positive. Senate Commerce Ranking member Ted Cruz has
7 criticized the bill expressing concerns, for example, over
8 the Federal Trade Commission's role in the bill.

9 To provide some context, preemption and the
10 private right of action have long been sticking points for a
11 federal privacy law. Approximately two years ago, there was
12 three coroners agreement on a bill called the American Data
13 Privacy Protection Act or ADPPA. At that point it was Chair
14 Cantwell who didn't endorse that proposal, and the bill
15 included sweeping state preemption and a weak private right
16 of action.

17 APRA is, quite similar. Our Agency opposed the
18 ADPPA two years ago, and the Governor Attorney General and
19 the California legislature weighed in with their concerns
20 about preemption as well. Ultimately, ADPPA advanced, out
21 of House E&C in 2022, it didn't make it to the house floor.
22 Then Speaker Pelosi expressed her concerns about preemption
23 in the bill. Of course, the political landscape has changed
24 significantly since then.

25 In terms of where APRA sits now, it's still a

1 discussion draft. However, Congress seems to be moving
2 quickly. House E&C has already held a hearing last month on
3 the bill. Mark is expected later this May, where it will
4 likely advance out of E&C. I expect Senate commerce will
5 want to move quickly as well.

6 Simultaneously, we're keeping an eye on
7 legislation, with respect to children's privacy, which could
8 move as well. There's a lot of discussion over COPPA 2.0
9 and COSO, which were filed as amendments to the FAA
10 Reauthorization Act. Doesn't -- that doesn't appear to be
11 happening, but I wouldn't be surprised to see votes on those
12 bills given the support in Congress for them.

13 The staff is extremely concerned about the APRA.
14 CPPA staff sent a letter to House E&C and Senate Commerce
15 outlining our concerns. The governor, the AG and the
16 California legislature sent a letter as well. And the
17 California Attorney General, recently led a 15, AG letter
18 highlighting their concerns with preemption.

19 In terms of why we're concerned, the draft seeks
20 to preempt nearly every provision in the California Consumer
21 Privacy Act and the California Elite Act. There are carve
22 outs in preemption, in, you know, certain narrow areas, for
23 example, employee privacy. But the bill would have a huge
24 impact on California privacy law. Because of this
25 preemption language, the bill seeks to remove existing

1 protections from California consumers. This includes the
2 ability of the Agency to issue regulations to implement most
3 provisions of the California Consumer Privacy Act, and to
4 enforce the California Consumer Privacy Act.

5 The unique floor on protections established by
6 Proposition 24, whereby amendments to the law must be in
7 furtherance of the law's intent to protect privacy. The
8 ability of the California legislature and the people of
9 California through ballot initiative to advance new privacy
10 legislation to protect Californians. The global data broker
11 deletion mechanism, which was added to California law
12 through the Delete Act. APRA proposes to replace that with
13 a global data broker do not collect option, which would
14 still allow businesses to use and sell previously collected
15 data. And lastly, removing sexual orientation, immigration
16 citizenship status and union membership from the definition
17 of sensitive personal information among other protections.
18 Next slide, please.

19 Unless the language with respect to the state
20 significantly improves when the bill is formally introduced,
21 staff plans to use its existing delegation to oppose the
22 bill on behalf of CPPA. So just to explain the delegation
23 in more detail. In July, 2022, the Board voted unanimously
24 to first oppose is currently drafted the ADPPA, because it's
25 thought to significantly weaken California's privacy

1 protections by preempting the California Consumer Privacy
2 Act and other state privacy laws.

3 Second, the Board voted to oppose any bill that
4 then staffs view similarly threatens crucial privacy
5 protections for Californians. And by a third motion voted
6 to support federal privacy legislation that then staffs view
7 sets a true floor and allow states to implement stronger
8 protections. So that has provided very helpful guidance for
9 staff. And that's the current state of play with -- from
10 staff's point of view. I'll pause here for any comments or
11 feedback from the Board.

12 CHAIR URBAN: Thank you, very much Ms. Mahoney,
13 comments or thoughts from the Board? Yes, Mr. Mactaggart.

14 MR. MACTAGGART: I had not had a chance to delve
15 into the APRA in any great detail at the last meeting, but
16 now I have, and I'm even more happy that we are opposing it
17 because it's very well written from a -- there are a couple
18 loopholes from a -- from an industry point of view that I
19 think would significantly weaken the existing standards that
20 we have here in California. And it was disappointing for me
21 to -- because the first time you read it, you think, oh,
22 that sounds pretty good. But after you kind of iterate
23 through some of the exceptions there. So I have a -- I'm
24 going to, you know, sending a memo out at some point here to
25 some people in DC. But it's -- once again, it's sort of the

1 wolf in sheep's clothing here. So I was sad to see that.
2 And I continue to think that we have much stronger
3 protections for Californians than this would offer.

4 CHAIR URBAN: Thank you, Mr. Mactaggart. Mr.
5 Worth or Mr. Liebert, I fully agree with, Mr. Mactaggart.
6 Thank you, Ms. Mahoney for following the bill. I very much
7 appreciate Congress' efforts to protect all Americans'
8 privacy. I think the Agency would like for Americans
9 generally to have some of the strong or all of the strong
10 privacy protections that we have in California. I -- in no
11 way want to undermine efforts to protect Americans' privacy.
12 But California voters, 9.4 million of them, if I got that
13 right, Mr. Mactaggart? 9.4 million Californians voted for
14 strong privacy protections, and they voted for a floor under
15 those protections to keep them in place and to keep them
16 strong. They can be built on, but they cannot be diminished
17 or not diminished easily. And that is crucially important.

18 9.4 million Californians voted for a floor in
19 protections. Congress should do the same. They should not
20 preempt state bills, that build on top of the protections
21 Congress puts in place. Americans should have a strong
22 floor of protections and state should be able to build on
23 top of them. 9.4 million Californians also voted to
24 establish an independent watchdog to look out for their
25 rights. That's the California Privacy Protection Agency.

1 And so, again, while I greatly respect what the members in
2 Congress are doing to work towards protections for privacy
3 for all Californians, this watchdog cannot allow, or at
4 least cannot support a bill that would undermine the
5 protections for Californians. So I absolutely agree. I'm
6 glad that we have given staff the authority to continue to
7 oppose if the bill has these flaws, and I look forward to
8 hopefully Congress improving it, so that we can support it.
9 So thank you very much, Ms. Mahoney. Any other comments?
10 All right.

11 MS. MAHONEY: Okay. Next slide please. And I'll
12 just go ahead while that's setting up. But the rest of the
13 presentation will illustrate the importance of supporting
14 state's ability to legislate. Since there -- it's a great
15 deal of activity in this area. With respect to multi-state
16 privacy laws, things have been very active. So active that,
17 you know, this slide deck went up a couple days ago, it's
18 already outdated. And actually, while you were in closed
19 session, the Minnesota legislature passed a privacy law. So
20 we'll just have to forget about all the numbers. Let's see.

21 CHAIR URBAN: What do -- we have to follow
22 Bagley-Keene, so we'd have to agendize the new bill.

23 MS. MAHONEY: Right till the next meeting. Yeah,
24 so when I provided my last update in December, approximately
25 13 states had comprehensive privacy laws. Now, I think 18

1 do, depending on how you count, this includes Florida. Some
2 don't include Florida. Maryland was signed just this week
3 another comprehensive bill, that has data minimization
4 similar to the CPPA's regulations in section 7002. So that
5 was a positive development.

6 Now by my count, I think 11 states, including in
7 California, have a browser privacy signal requirement.
8 That's a really important part of making privacy law
9 workable for consumers. Five states adopted privacy laws in
10 2024, and we expect this activity to continue and staff will
11 continue to engage by providing technical assistance and
12 sharing our framework. There's also a lot of legislative
13 interest in ADMT and AI. Staff participated in a
14 multi-state working group to hear about other state's
15 approaches to these topics.

16 Colorado recently made news their legislature
17 advanced SV-205, which is now under consideration by the
18 governor, which would provide a framework for regulating AI
19 and ADMT focused on preventing algorithmic discrimination,
20 creating new obligations for risk assessments and
21 disclosures. And SAP will continue to encourage consistency
22 in these areas as well.

23 Okay. Moving on to the next slide, please. So
24 moving on to California. So to give you a sense of where we
25 are in the legislative calendar, which I typically do hear

1 some upcoming key dates. We're rapidly approaching the
2 deadline for bills to pass out of the house in which they
3 were introduced, that's May 24th. The budget bill has to be
4 passed by June 15th. By July 3rd, policy committees have to
5 pass bills. Bills have to be out of the legislature by
6 August 31st. The governor has until September 30th to sign
7 a veto. If he takes no action, they take effect. And then
8 bills go into effect January 1st, 2025, unless otherwise
9 dated. Next slide please.

10 And next I'll provide updates on several pieces of
11 California legislation that would affect the Agency. The
12 first is AB 3048, which you're familiar with because of the
13 December meeting. Consistent with the process for adopting
14 legislative proposals, the Board approved a proposal to
15 require browsers to offer to consumers the ability to enable
16 opt-out preference signals, and requested staff updates on
17 the bill. Assembly Member Lowenthal introduce his
18 legislation in February, AB 3048.

19 Briefly, as you know, businesses receiving these
20 signals are required to honor them as an opt out of sale and
21 sharing. But many of the biggest browsers like, Google
22 Chrome, Apple Safari, Microsoft Edge, don't offer native
23 support for these signals. So this bill would address that,
24 providing significant benefits, not only for consumers in
25 California, but those in other states where there are

1 browser privacy signal requirements to make it easier to
2 exercise their rights.

3 So the bill has advanced out of assembly privacy,
4 advanced out of assembly preparations. It now waits a floor
5 vote, so it would have to get out of the assembly by May
6 24th and then crossover to the Senate for consideration
7 there. And I'll pause here in case there's anything the
8 Board would like to share.

9 CHAIR URBAN: Thank you, Ms. Mahoney. Yes, Mr.
10 Liebert.

11 MR. LIEBERT: I'm very excited about the bill and
12 that your work on it. I appreciate it. I think it's a
13 great opportunity for the Agency to really lead the way on
14 what we mean by making it easy for consumers to express
15 their desire in this regard. And so I want to make sure
16 that the language of the bill, if you'll focus on that, it
17 talks about the Agency adopting regulations including to
18 update the definitions of browser and device. I think it
19 should say including, but not limited to, because I think
20 that it will be and should be up to us to determine by
21 regulation, what do we mean by easy to locate and use for
22 consumers. I think that's really important. A lot of times
23 these browsers can make it kind of difficult to express your
24 wishes, and so we have to make sure that we focus on that
25 issue. So I'd like to encourage you to think about that.

1 MS. MAHONEY: Great. Thank you.

2 MR. LIEBERT: Thank you.

3 CHAIR URBAN: Thank you. Mr. Liebert, no comments
4 or questions? Wonderful. Thank you Mr. Mahoney -- thank
5 you -- thank you Mr. Liebert, for that helpful comment. And
6 thank you Ms. Mahoney for continuing to help shepherd the
7 bill through and support it in the legislature. I think
8 we're ready for what's next.

9 MS. MAHONEY: Great. And then moving on to the
10 next slide. Next is AB 3286, which is an omnibus bill from
11 assembly privacy. It includes several fixes to the CCPA
12 proposed by Agency staff. This is all very technical. I
13 will do my best, but, so it would do three main things,
14 clarifying in the CCPA. First, the method for calculating
15 the consumer price index, adjustments to monetary thresholds
16 so that these adjustments can be self-executing and not
17 require a rulemaking.

18 So currently there are five thresholds in the
19 CCPA. The monetary threshold for businesses covered. So
20 that 25 million number, damages pursuant to a civil action
21 in the event of a negligent data breach, administrative
22 enforcement fines, civil penalties, and of course, the CPPA
23 Board member per diem, so they're currently required under
24 law to be adjusted by CPI in January of every odd numbered
25 of year by rulemaking, this would put it right into the

1 statute and make itself executing.

2 Second to clarifying the CCPA, that when
3 responding to sworn complaints, the Agency does so with its
4 existing law enforcement privileges, so as you know, the
5 CCPA gives the Agency to -- the authority to investigate
6 businesses for potential violations on the basis of a sworn
7 complaint. In its current form, the statute states that the
8 Agency must notify consumers about the action together with
9 the reasons, we've taken that plan.

10 The reasons for the action are non-action, but
11 when we do so, we're subject to existing law enforcement
12 exemptions and privileges, so this just clarifies in the
13 statute, that situation to reduce the risk of confusion for
14 consumers.

15 And then third, it clarifies that the Agency
16 begins administering the grant program when the amount of
17 grant funds available after all of -- all of their
18 distributions have been made exceeds 300,000. So to provide
19 more context on that, the Agency's tasked with distributing
20 every year via grants nine percent of the funds that remain
21 in the consumer privacy fund after it's been used to offset
22 costs.

23 And by initiating the grant requirement, when the
24 amount of grant funds available exceeds 300,000, that
25 ensures that the Agency will be tasked with distributing

1 these funds at the point at which the amount of funds
2 justifies the administrative costs of overseeing a grant
3 program, so this bill advance out of assembly privacy and
4 preparations, it's -- faces no opposition, and next step
5 would be to advance out of the assembly. Next slide,
6 please.

7 MR. LAIRD: If I may, Ms. Mahoney, I recognized
8 that Mr. Le has joined us by video conference, and so under
9 Bagley-Keene, I just request that Mr. Le, go ahead and
10 declare for the room anybody he's with in the room that's 18
11 years or older in his relationship to them.

12 MR. LE: Yes, I'm at the airport. There are many
13 people 18 and over, but there is no relationship, so nothing
14 to declare.

15 MS. MAHONEY: Great, thank you. So next we have
16 two privacy bills that proposed to amend the CCPA. First
17 would be AB 1824 from assembly member Valencia. That would
18 clarify that when a consumer has opt out -- opt out the
19 sale, or sharing their personal information at a company, if
20 that company is acquired by another, or merges with another,
21 that request transfers over to that new situation. I don't
22 believe it has any opposition, it's just crossover to the
23 Senate.

24 The second SB 1223 from Senator Becker, and that
25 would essentially amend the CCPA's definition of sensitive

1 personal information to include neural data, and that would
2 reflect legislation that was recently adopted in Colorado.
3 That bill interest in Senates being considered in Senate
4 appropriations, and staff will continue to monitor those
5 bills.

6 CHAIR URBAN: All right, Ms. Mahoney. Mr. Worth
7 have a question or a comment.

8 MR. WORTH: Yeah. No, a question on 1223. I read
9 it three times. I'm just want to make sure I understand
10 exactly what -- like, could you give me an example of how
11 this will come into effect?

12 MS. MAHONEY: Sure. So my understanding is that
13 this is very kind of forward seeking but -- you know,
14 forward looking, but the idea is we may get to the point
15 where you could have devices that be -- that could be
16 controlled with thought, like really hands, hands-free
17 devices, raising questions about the data that's being
18 collected about our thoughts, our emotions, our senses, so
19 clarifying that that has additional protections.

20 MR. WORTH: So we kind of feel the need to get so
21 far ahead of it for something that doesn't exist yet, and we
22 want to -- or you know, is that -- what's -- what was behind
23 this bill getting drafted and getting it to the place it is,
24 was it -- was our direction?

25 MS. MAHONEY: No. So I think this is lawmakers

1 looking to Colorado, which recently adopted a similar law,
2 and trying to make sure that protections in California are
3 up to that level. So I'm just providing an update on this
4 bill that seeks to amend the CCPA, but we're not involved in
5 it.

6 MR. WORTH: Okay. And I guess if it's misguided,
7 we just -- we learn more about what we're aiming at, we can
8 amend it later, or introduce new legislation later to adjust
9 this?

10 MS. MAHONEY: You know, if there are concerns about
11 that legislation, you know, that may be something that, you
12 know, staff could express too to lawmakers.

13 MR. WORTH: Okay. Thank you.

14 CHAIR URBAN: I'll say adding neural data to
15 sensitive personal information seems pretty low risk
16 endeavor to me. There is experimental work for people with
17 disabilities to be able to do things like control a
18 computer, so it's in the future, I don't know how far in the
19 future it is.

20 I really appreciate Mr. Worth's comment. It is
21 always a good idea to make sure that legislation isn't
22 getting to -- getting so far ahead that it is defining
23 technology that doesn't exist yet, for example, so thank you
24 for keeping an eye on it. But I think in the event that
25 this is something that can happen on a wide scale, like it's

1 definitely sensitive information. So any other comments or
2 questions at this moment? All right, thank you. Ms.
3 Mahoney.

4 MS. MAHONEY: Okay. So next slide please. And
5 then we'll continue. So these are more updates on bills
6 that, you know, we're not involved with, but they've been
7 introduced in the legislature they would affect the CCPA.
8 So both of these next two are intended to increase
9 protections with respect to these personal information to
10 train artificial intelligence.

11 So the first is AB 2877 from assembly member
12 Bauer-Kahan, and that would amend the CCPA to prohibit a
13 developer from using kids' personal information to train AI
14 without permission. That's just the advance out of assembly
15 appropriation's. The next step is the assembly floor.

16 And next slide, please. Oops, actually we could
17 go back one. And the second is AB 3204, also from assembly
18 member Bauer-Kahan, Data Digesters Registration Act. And
19 that one's similar to the data broker registry, there is
20 delayed implementation, so by January 31st, 2026, data
21 digesters, which are roughly defined as entities that use
22 personal information to train AI would be required to
23 register with our Agency, pay a registration fee, and
24 provide certain information, and then we'd be tasked with
25 creating a page on our website to provide that information

1 to the public.

2 So it doesn't amend the CCPA similar to the data
3 broker registry. It's done in a different part of the code,
4 but it would provide us with rulemaking and enforcement
5 authority, so that bill is currently in assembly
6 appropriations. As we know from the data broker registry,
7 this will require resources. We've provided a fiscal
8 estimate to assembly appropriations. We do expect
9 registration fees would offset costs, but you know, we are
10 keeping an eye on that one because it would require
11 resources for the Agency.

12 And next slide, please. And then the third bill
13 from assembly member Bauer-Kahan AB 2930. So this bill
14 would not amend the CCPA, but as you can see, there's a lot
15 of overlap with the Agency's draft ADMT regulations. So I
16 won't get into all the provisions of the bill, but at a high
17 level, it would require deployers of automated decision
18 tools to refrain from using these tools, resulting in
19 algorithmic discrimination would require impact assessments,
20 notice to consumers, and if feasible employers would've to
21 accommodate a request not to be subject to these tools.

22 So again, a lot of overlap between this bill and
23 the draft ADMT and risk assessment regulations with the
24 agent, which Agency is proposed pursuant to its statutory
25 requirements under the CPPA. Specific areas of overlap

1 would be, you know, previous notice risk assessments in some
2 form of opt-out with respect to ADMT.

3 There are differences in this bill would apply to
4 a broader set of entities. It applies to government
5 entities, nonprofits, it has a lower threshold for
6 businesses, and there's this, you know, prohibition
7 algorithm discrimination that goes a bit farther than the
8 draft regs.

9 Since the bill doesn't propose to amend the CCPA,
10 it wouldn't directly impact the Agency's workload.
11 Enforcement would be handled by the Civil Rights Department
12 within the administration, AG, district attorneys, and other
13 officials. Because creating two different ADMT frameworks
14 for businesses that would fall under both requirements could
15 make compliance difficult, staff suggest continuing to work
16 with the author to try to ensure consistency between the two
17 frameworks where possible.

18 CHAIR URBAN: Mr. Le?

19 MR. LE: Yeah, I just wanted to note that, you
20 know, as far as I know, the draft regulations doesn't have
21 as specific of a focus on algorithmic discrimination as AB
22 2930, so you know, I do think there are differences between
23 the two risk assessments. You know, in a company when
24 they're doing a CPPA risk assessment, looking at, you know,
25 risks, benefits, and safeguards, you know, they would

1 essentially be remiss not to be testing for algorithmic
2 bias, so this kind of fills the gap that may potentially
3 exist in our -- the CPPAs draft regulation.

4 CHAIR URBAN: Thank you, Mr. Le.

5 MS. MAHONEY: And then moving on to the last bill,
6 AB 1949, and this bill is sponsored by the Department of
7 Justice, it proposes to amend the CCPA to remove the actual
8 knowledge standard for determining who is a child. It
9 provides opt-in protections to kids up to 18, rather than
10 under 16 under current law.

11 It expands opt-in protections. You know,
12 currently, that applies to sale and sharing, but this would
13 extend it to collection use disclosure, as well as, sale and
14 sharing. And then it requires an Agency by July 1st, 2025
15 to promulgate regulations, the outlining technical
16 specifications for an opt-out preference signal that could
17 indicate that the consumer is a child. And then by that
18 same timeline to adopt regulations regarding age
19 verification. So staff released a memo on this. We
20 recommended that the Board consider taking a supportive,
21 amended position on this legislation.

22 Staff very much appreciates the intent of the bill
23 to protect children online, but has concerns about removing
24 the actual knowledge standard and how that could be
25 counterproductive by incentivizing increased data collection

1 to determine who is a child.

2 Staff's also concerned that the new rulemaking
3 language on age verification and the opt-out preference
4 signal with the aggressive deadline could unduly burden the
5 Agency at this time. So staff has suggested a balanced
6 approach, suggesting amendments to outline in statute a
7 constructive knowledge standard inspired by the newly
8 adopted law in Maryland, specifically a known or should have
9 known standard, but also builds on that by identifying
10 suggested factors to determine whether a business should
11 have known that the consumer is under 18.

12 That would obviate the need for required
13 rulemaking because be providing guidance in the statute.
14 And again, the goal is to, you know, balance the AG's
15 request for a higher standard verification while mitigating
16 privacy concerns, as well as, the burden on the Agency, and
17 then it would also enable enforcement right away rather than
18 waiting for regulations. This concludes my presentation.
19 I'm happy to answer any questions.

20 CHAIR URBAN: Thank you, Ms. Mahoney. Mr. Worth,
21 yes, please go ahead and then I have -- okay, have a queue,
22 Mr. Worth.

23 MR. WORTH: Great. 1949, Ms. Mahoney, questioned
24 the Maryland, the language on this should have known come
25 straight from the Maryland, so how long has that been in

1 effect?

2 MS. MAHONEY: Oh, that was just adopted. So it's
3 known or should have known where this proposal develops on
4 that is by outlining suggested factors to provide a bit more
5 clarity. I'm not an attorney, but I do understand that the,
6 you know, should have known standard is, you know, common in
7 existing law and there's a fair amount of case law behind
8 it.

9 MR. WORTH: Okay, so thanks.

10 CHAIR URBAN: Mr. Liebert.

11 MR. LIEBERT: Have you had a chance to talk with
12 the author about the actual knowledge concerns that we have
13 about that, and have they been resistant to this point, or
14 where does that stand?

15 MS. MAHONEY: Yes. So we've shared these suggested
16 amendments with the author and the sponsor. They're very
17 engaged on this issue, very willing to discuss, but, you
18 know, I do emphasize that this is purely a CPPA staff
19 proposal, not something that they've signed off on in any
20 way.

21 MR. LIEBERT: Yeah. So I think I share the
22 benefits of the new or should have known, which really comes
23 out of tort law, I believe. And I think that makes a lot of
24 sense, you can talk about constructive knowledge, those
25 different types of standards to acknowledge that there are

1 different ways to do this.

2 I'm a little skeptical in the analysis about being
3 too sensitive to encouraging the over scooping up of data,
4 because I think they're doing a very fine job, these
5 companies in scooping up extraordinary amounts of data
6 already, much of which will already be able to signal to
7 them that they're probably dealing with kids, or underage
8 people.

9 So I don't know that we should be overly sensitive
10 to that concern that the opponents, interestingly enough,
11 who are the scoopers many times raise. So I do think it's
12 good to explore those avenues as to the constructive
13 knowledge, or new or should have known, so thanks for that.

14 MS. MAHONEY: Thank you, Mr. Liebert. Mr.
15 Mactaggart.

16 MR. MACTAGGART: Yeah, I'm troubled by the -- I
17 understand the intentions of the bill I think are very good,
18 and no one would disagree that protecting children's privacy
19 is not a laudable goal. What I'm troubled by and have been
20 ever since this in a different iteration came up on the age
21 appropriate design code, is the notion that this will really
22 require age-gating, which for those of people who are not
23 familiar with the term really, would you require entities to
24 really say, "Type in your age," and we're going to collect
25 more information.

1 And I've got the injunction up here in front of me
2 from the age appropriate design code, which says, where the
3 judgments, and where the ruling says a lawyer here.
4 "Material before the Court indicate that the steps a
5 business would need to take to sufficiently estimate the age
6 of a child would likely prevent both children and adults
7 from accessing certain content."

8 And then it goes on to say, "Age estimation and
9 privacy provisions that -- thus appear likely to impede the
10 availability and use of information, and accordingly
11 regulate speech." And this is one of the reasons that the --
12 that the age program design code was -- you know, the
13 injunction was instituted.

14 And so I guess I'm actually pleased to have my new
15 colleague here because I really think this is a well
16 intentioned but misguided step, and I like that notion of
17 having this new standard of known or should have known, and
18 so I noticed that there's some privacy groups, some very
19 leading privacy groups, you know, Privacy Rights
20 Clearinghouse, EFF that oppose the bill.

21 There are some Oakland privacy that oppose unless
22 amended, and then there's some ACLU that support if amended.
23 And I just wouldn't mind getting your take on the
24 distinction between oppose unless amended and support if
25 amended, like they're two separate things, but I kind of --

1 I'm on the more opposed unless amended, but I don't know if
2 it makes any real substantial difference.

3 CHAIR URBAN: Ms. Mahoney.

4 MS. MAHONEY: I think, you know, the support if
5 amended position, you know, recognizes the good intentions
6 behind the bill and the willingness to find a path forward
7 with suggested amendments as we've done in the memo. So I
8 think, you know, we appreciate the legislature's concern
9 about these issues, and I know that the AG is a good partner
10 of ours is very concerned about these issues as well -- as
11 well as, the governor's office. So, you know, I want to
12 make sure that we're, you know, working with all these
13 partners to help address their concerns so we can find a
14 path forward.

15 CHAIR URBAN: Thank you, Ms. Mahoney. I will say,
16 and I'll ask Ms. Mahoney, and Mr. Liebert to weigh in, and
17 if I -- if I got this wrong. The way I see the question
18 before the Board with regards to support if amended or
19 opposed unless amended is that we are giving a sense to the
20 staff of whether we support the basic goals of the bill,
21 first of all.

22 And secondly, if we're comfortable with the
23 proposed framework that Ms. Mahoney has set out for us for
24 her to go forward and that we would be comfortable with the
25 bill, if those changes were made. Whereas oppose, unless

1 amended would mean that the default, of course, is that we
2 oppose it, and that it's a little bit, I think, less clear
3 how easy it would be to change that position. Did I get
4 that even basically, right, Mr. Liebert?

5 MR. LIEBERT: Absolutely, I would say that it's
6 really just an art form, whether you say support if amended,
7 or support unless amended, so unless versus if is not so
8 big. It's in the eyes of the beholder.

9 CHAIR URBAN: That is in contracts, but maybe.

10 MR. LIEBERT: Yes, yes, not contracts, but in
11 legislative ease. Yeah, I absolutely do think we should
12 support in concept and in that case, you know, the support
13 if amended gets that across, that we're not quite over the
14 finish line for the kinds of concerns that you've raised
15 there, but that we really want to work, and get to that
16 location, so supportive of what the staff is suggesting
17 there.

18 CHAIR URBAN: Thank you, Mr. Liebert. And I really
19 do -- I want to commend assembly member Wicks, and the
20 office of the attorney general DOJ, for working so hard on
21 this issue because it is incredibly important. And it is a
22 bit of a conundrum. It's a little bit counterintuitive.
23 The idea that having an actual knowledge standard could
24 actually reduce kids' privacy, and also reduce their ability
25 to access information that they need privately, but

1 technically speaking and in practice, and in the world, that
2 can be the case.

3 And so I think, you know, I certainly share the
4 sentiments that I've heard from my fellow Board members that
5 we really would like to help get this right, and so I really
6 appreciate the thought that's gone into the recommendation
7 today. Other comments or questions? Mr. Le, I just want to
8 give you a chance in case I missed your hand.

9 MR. LE: No comments.

10 CHAIR URBAN: Okay. Thank you, Mr. Le. Other
11 comments or questions? All right. In that case I would
12 like to highlight that I plan to request a motion to exceed
13 to you Ms. Mahoney's recommendation, which would be a motion
14 to support AB 1949 as amended according to the alleged
15 staff's analysis. So support if amended to maintain the
16 actual knowledge standard -- or actually, you know what? I
17 apologize. I have a question, which was in the -- I was
18 listening carefully and I forgot my question.

19 For -- in your -- in your really wonderful
20 comprehensive and thoughtful memo, you did mention the
21 positions of different groups that Mr. Liebert and Mr.
22 Mactaggart mentioned, and I was wondering about the
23 supportive amended positions, are the amendments suggested
24 by those groups similar to these? Do you know?

25 MS. MAHONEY: You know, for the supportive amended

1 take -- position taken by the ACLU, for example, you know,
2 one of their requests would be to maintain the actual
3 knowledge standard.

4 CHAIR URBAN: Uh-huh. Okay. Mm-hmm. All right.
5 Thank you. And so for everybody's edification I will --
6 before we take public comment so everybody knows what's on
7 the table, I plan to request a motion to support 19 -- AB
8 1949 if amended to either maintain the actual knowledge
9 standard or establish in statute and alternative standard.

10 For example, that the business knew or should have
11 known that the consumer is less than 18 years of age, to
12 identify factors suggesting the consumer is a child, such as
13 the nature of the product or service offered by business and
14 the consumer demographic.

15 To emphasize that these provisions do not relieve
16 businesses of their data minimization responsibilities. To
17 remove the duplicative requirement the Agency issue
18 regulations to establish technical specifications for an
19 opt-out preference signal that allows the consumer, or the
20 consumer's parent or guardian to indicate the consumer is a
21 child.

22 To remove the requirement for the Agency to
23 complete an age verification rulemaking by July 1st, 2025,
24 or at the least to extend the deadline to July 1st, 2026 or
25 later. And to authorize staff to continue to support this

1 bill even if amended -- excuse me, even if amended -- if
2 amended, if in staff's discretion, the amendments are
3 consistent with the objective laid out in the staff's
4 analysis and the Board's discussion today.

5 And to authorize staff to remove support for or
6 oppose the bill in staff subscription if it is no longer
7 consistent with these objectives. So I may try to clean
8 that up a little bit while we -- while we're also listening
9 to public comment, but that is the -- that is the general
10 framework that I will propose. Thank you everybody, and
11 with that I would like to ask if there is any public comment
12 of Ms. Marzion.

13 MS. MARZION: This is for Agenda Item Number 3,
14 legislative update. If you'd like to make a comment at this
15 time, please raise your hand using the raised hand feature
16 or by pressing star 9 if you're joining us by phone. Again,
17 this is for Agenda Item Number 3. Madam chair, I'm not
18 seeing any hands raised at this time.

19 CHAIR URBAN: Thank you very much, Ms. Marzion.
20 With that, I will request -- I will -- excuse me, I request
21 a motion to authorize Agency staff to support AB 1949 if
22 amended to maintain the actual knowledge standard or
23 establish in the statute and alternative standard.

24 For example, that the business knew or should have
25 known that the consumer is less than 18 years of age, to

1 identify in the statute factors suggesting the consumer is a
2 child, to emphasize that these provisions do not relieve
3 businesses of their data minimization responsibilities, to
4 remove the duplicative requirement of the Agency issue
5 regulations to establish technical specifications for an
6 opt-out that relate to whether or not a consumer is a child.

7 And to remove the requirement that the Agency
8 complete an age verification rulemaking by July 1st, 2025,
9 or to extend the deadline to July 1st, 2026 or later, and to
10 authorize staff to continue to support this bill if amended
11 -- even if amended, if in the staff's discretion, the
12 amendments are consistent with the objective set out in the
13 memo before us today, and our discussion today, and to
14 authorize staff to remove support for, or oppose the bill if
15 amended, if set in staff's discretion, it is no longer
16 consistent with the objective set out in the materials for
17 today or our discussion for today. May I have such a
18 motion?

19 MR. WORTH: I have a question first.

20 CHAIR URBAN: Yes, of course.

21 MR. WORTH: And this is for the group and for
22 staff. I'm just focused more on the should have known. I'd
23 like your explanation of the difference between actual,
24 because I would wake up this morning thinking actual is the
25 standard you'd want to strive for, but now we're moving the

1 age from 16 to 18, right?

2 CHAIR URBAN: Mm-hmm.

3 MR. WORTH: One of the factors is the nature of
4 the product that's being sold. It just seems like that's
5 going to be -- that's a real gray area when you're talking
6 now about 18, so I just don't know how to get comfortable
7 with that. Maybe someone can help me, but I just want to
8 make sure we're not creating a problem that's not easily
9 solved for those that are bound by this. That makes sense?

10 CHAIR URBAN: That does make perfect sense. Thank
11 you, Mr. Worth. Yes, I think Ms. Mahoney, tell me if I'm
12 wrong, but that is generally sort of the way the federal
13 CPPA works, but of course, CPPA is thinking about children
14 under 13. So you've got cartoons, and you've got fuzzy
15 characters, and you've got things that are possibly a little
16 bit more obvious for a person who's on the cusp of being
17 able to be drafted, for example. Yeah. Mr. Mactaggart.

18 MR. MACTAGGART: That's -- thank you Board member
19 Worth, because that's a really excellent point, and we ran
20 into that during the drafting, and you have a whole set of
21 other groups that will now come out against you.
22 Oftentimes, people exploring their sexuality, or
23 reproductive services, and they're 17 years old, and they
24 feel like an adult, and they don't want to all of a sudden
25 be, you know, treated like a child here.

1 So maybe we could amend the recommendation and
2 include one more bullet point, which would for the sake of
3 argument be something like an urge staff to work with the
4 author to distinguish special treatment for you know,
5 children between 16 and 18 who may need to be treated like
6 adults, and that's terrible language, but something, you
7 know, along that -- along the line to distinguish the fact
8 that a 13-year-old is a long way from a 17 and a half year
9 old. Great, great point, Jay.

10 CHAIR URBAN: Thank you, Mr. Mactaggart. Other
11 comments or questions.

12 MR. LIEBERT: I just wanted to reassure my
13 colleague that the good thing I think --

14 CHAIR URBAN: You do mic (inaudible).

15 MR. LIEBERT: -- is that we are -- am I -- I think
16 I'm on. Yeah. Is that if I understand this correctly, the
17 bill's proposing to expand protections for the sale or share
18 -- or sharing of their personal information. So this is one
19 area, whether it's 17 or 18, if you don't get it quite right
20 if there's a bit too much I think of conservativeness of --
21 in that regard on a consent issue, that's probably a little
22 bit less scary, if you will, than some of the other issues
23 that groups care about in terms of how they're being treated
24 as adults, right? So -- but I think that's a great addition
25 to it.

1 MR. MACTAGGART: It's including (inaudible).

2 MR. LIEBERT: Yeah. Absolutely.

3 MR. MACTAGGART: It's extending (inaudible).

4 MR. LIEBERT: Yep. Yep. I think that's a good
5 addition to have further discussion about that.

6 CHAIR URBAN: Okay, great. Thank you. I just need
7 to think about it a little bit because I'm trying to figure
8 out how to --

9 MR. WORTH: I wouldn't want to ask you to repeat
10 the entire motion, so I apologize if that's where you're
11 headed.

12 CHAIR URBAN: Yeah, yeah, no, you all are --

13 MS. WORTH: Just amend it.

14 CHAIR URBAN: -- making me work really hard today.
15 Okay. So I would like to propose a motion of the form that
16 I -- no, so here's the -- let me back up. Mr. Laird is
17 going to have to bless this, like this form of motion or
18 not, so you will tell me if this works or not.

19 I'd like to propose a motion of the form of the
20 motion that I set forth before public comment with the
21 amendment that staff is urged to work with the legislature
22 when identifying factors suggesting that a consumer is a
23 child that recognizes that there is a range of ages and a
24 range of sensitivities involved in age verification for
25 children of different ages. That works, Mr. Laird?

1 MR. LAIRD: That's acceptable.

2 CHAIR URBAN: Okay. May I have such a motion.

3 MR. MACTAGGART: So moved.

4 CHAIR URBAN: Thank you, Mr. Mctaggart. May I have
5 a second.

6 MR. WORTH: Yep.

7 CHAIR URBAN: Thank you, Mr. Worth. I have a
8 motion on the table and a second. Ms. Marzion, may -- or
9 would you please conduct the roll call vote.

10 MS. MARZION: Board member Le.

11 MR. LE: Aye.

12 MS. MARZION: Board member Liebert.

13 MR. LIEBERT: Aye.

14 MS. MARZION: Board member Mactaggart? Board
15 member Worth?

16 MS. WORTH: Aye.

17 MS. MARZION: Chair Urban.

18 CHAIR URBAN: Aye.

19 MS. MARZION: You have five ayes.

20 CHAIR URBAN: Thank you, Ms. Marzion. The motion
21 carries with a vote of five to zero. I want to really thank
22 Ms. Mahoney for this very helpful legislative update, and
23 for the legislature and all the sponsors for working on
24 these important bills, and to the Board for the very
25 thoughtful discussion. I hope that we were also helpful to

1 you today.

2 Ms. Mahoney thank you very much. With that we
3 will move to Agenda Item Number 4 which is an update
4 regarding SB 362 implementation, including discussion and
5 possible action on proposed data broker registration
6 regulations.

7 As a reminder for those of us, including myself
8 who are not as fast with all the bill numbers as Ms. Mahoney
9 SB 362 was passed by the legislature and signed by the
10 governor last year. It's commonly known as the Delete Act,
11 and it updated California's Data Broker Transparency Law.

12 Among other things, it moved the data broker
13 registry from the Department of Justice to our Agency, and
14 it expanded some of the consumer protections in that law.
15 There was a great deal of work by Agency staff and by the
16 office of the Attorney General to move the registry.

17 And I'm very pleased that the registry, and
18 thankful for all the work that the registry has resided with
19 the Agency already since January 1st, we saw a really
20 impressive demonstration of the new registry earlier in the
21 year, but in order to fully implement the law as directed by
22 the legislature, we do need to promulgate some regulations.

23 So Mr. Laird, our general counsel, and Ms. Liz
24 Allen from the legal division will present on this item, I'd
25 like to turn your attention to the materials for today,

1 which include a short memo and the draft proposed
2 regulations. Thank you both, Mr. Laird and Ms. Allen.
3 Welcome, Ms. Allen, and please begin when you're ready.

4 MR. LAIRD: Thank you, Chair Urban, I am going to
5 largely defer to my colleague Ms. Allen here, but I'd be
6 remiss on Public Service Appreciation Week to not
7 acknowledge that Ms. Allen has been a tremendous asset to
8 the effort to get the registry live, to help put together
9 these draft regulations and really all things Delete Act.
10 So kudos Ms. Allen, and I'm going to let her go ahead and
11 present this item to you.

12 CHAIR URBAN: I do want to thank you as well, Ms.
13 Allen. I've really seen the public pick up the reporting
14 from the data broker registry. The fact that it can be
15 sorted by the kinds of information that's collected I think
16 has been really helpful to the public. I've seen a couple
17 of articles about it and blog posts and so forth. So I
18 really appreciate the all of the work that everybody put in,
19 and certainly you to really build this transparency for the
20 public, so thank you.

21 MS. ALLEN: Thank you. Thanks chair -- Chairwoman
22 Urban, and thank you Phil. Yeah, my name is Liz Allen. I'm
23 an attorney in the legal division and within the data broker
24 unit. I'll be introducing this very short regulations
25 package. So this package, of course just addresses the data

1 broker registry, which is one part of the 2023 law.

2 The law of course contains two different parts,
3 the data broker registry, which was administered by the
4 Department of Justice from 2019 to 2023, and then we took it
5 over this year, starting January 1st, 2024. The second
6 part, of course, requires that the Agency create an
7 accessible deletion mechanism that allows consumers to
8 instruct data brokers to delete their non-exempt personal
9 information through a single request, that of course,
10 doesn't come into effect until January 1st, 2026.

11 As a reminder to the public, this short package
12 addresses only the data broker registry requirement and not
13 the accessible deletion mechanism. We, of course, plan to
14 update the Board and the public on -- and preview kind of
15 the steps that it takes to build such a system in in-state
16 government, and to tell you about -- and report out about
17 the outreach that we're doing on the technical side of that
18 system at a later Board meeting. And of course, we'll
19 introduce a regulations package about the deletion mechanism
20 at a later date.

21 So real quick on just the registry piece, the data
22 broker registration process launched within the Agency for
23 the first time in January of this year. We through that
24 effort, encountered a variety of common questions,
25 occasional obstacles, and all of that indicated a need for

1 clarification of SB 362's registration requirements. So a
2 bit -- of course, for the -- for -- as most of us know, but
3 just as a reminder to the public, a business that meets the
4 very specific definition of a data broker in the previous
5 year must register annually with the Agency by January 31st.

6 It's important to note that this -- that the
7 registry requirement is a retrospective requirement, meaning
8 that data brokers are merely reporting to the Agency about
9 past actions that they took in the previous year, it's not
10 about the current one.

11 And this is a key piece of transparency for
12 consumers because it tells them who has their data from the
13 last year so they can go and delete -- and make a deletion
14 request about it. And this transparency is incredibly
15 important for consumers because by definition data brokers
16 have no direct relationship with consumers, so consumers
17 need to know that they exist and then need to know who has
18 their personal information so they can then exercise their
19 privacy rights. The full list of data brokers and the
20 information that they've reported to the Agency can be found
21 on our website.

22 And of course, the data broker that fails to
23 register by January 31st may be liable for administrative
24 fines and costs in an administrative action or investigation
25 brought by the Agency's enforcement division. So these

1 proposed draft regs largely memorialize the Agency's
2 existing practices related to the registry. It also
3 clarifies key terms and concepts, which is what does it mean
4 for a data broker to have a "direct relationship with a
5 consumer," what data qualifies as minor data, and
6 reproductive healthcare data for reporting purposes.

7 The remainder of the regulations clear up
8 confusion pertaining to how and when a data broker can, for
9 example, remove themselves from the registry, or change
10 information, clarifies disclosure requirements, and
11 otherwise describes our current practices. These
12 regulations will ensure a smooth registration period in
13 January of 2025. So please let me know if there's any
14 questions.

15 CHAIR URBAN: Thank you, Ms. Allen. Questions,
16 comments from the Board.

17 MR. WORTH: I had a question. I think I've got it
18 in the right place here. Did I read correctly that you can
19 only pay by credit card?

20 MS. ALLEN: Well, so this year we only could accept
21 checks, and so people were mailing us--

22 MR. WORTH: Right, right.

23 MS. ALLEN: -- checks and then we had to process
24 them. And we also accepted some wire transfers from
25 international companies, and so we are onBoarding a payment

1 processor to ensure a much smoother, lower, or intensity
2 tracking system for ourselves.

3 MR. LAIRD: I might just add to that, Mr. Worth,
4 that there was significant demand for the credit card --

5 MS. ALLEN: Oh, yeah.

6 MR. LAIRD: -- option, and in fact our
7 understanding is generally businesses prefer to pay by
8 credit card.

9 MR. WORTH: But we're saying they only can pay by
10 credit card, right? (Inaudible.)

11 MR. LAIRD: We're allowing -- we're allowing for an
12 exception through a process in the regulations if for some
13 reason a credit card wasn't available --

14 MR. WORTH: Right, the standard.

15 MR. LAIRD: That is yes. That is the sort of
16 standard default method.

17 MS. ALLEN: Yeah.

18 MR. WORTH: Hopefully, we get a break on the
19 credit card fees as a state Agency.

20 MR. LAIRD: Actually, that's a great, great point.
21 The regulation does incorporate that, in fact, that would be
22 part of the registration. They'd be fee they'd be paying,
23 so the data broker will pay any sort of processing fee.

24 MS. ALLEN: Yeah.

25 MR. WORTH: Okay. Thank you.

1 CHAIR URBAN: Yeah, thank you Mr. Worth. Mr.
2 Mactaggart.

3 MR. MACTAGGART: I actually got to underline the
4 same thing as Mr. Worth, and my only question was, does it
5 make sense, I mean, I know what we're trying to do here and
6 cut down, but how about debit cards or maybe like the
7 Zelles, or the -- I mean, is there any kind of notion that
8 might make life easier for people as well? Just more
9 electronic things than just, you know, if you could have
10 some kind of language like, or other similar thing that you
11 guys get to decide in your wisdom, it might just make life
12 easier for people out there.

13 MR. LAIRD: I think we can certainly take the
14 feedback to at least add sort of a debit option into this
15 draft. The one thing I'll note that we're trying to kind of
16 confront with all of this is prohibitions around underground
17 rulemaking. So certain discretions are -- we have to be
18 careful with but identifying sort of the range and types of
19 payments allowable should be fine, so we could absolutely
20 take that feedback and incorporate it in the draft.

21 MS. ALLEN: Yeah.

22 CHAIR URBAN: To that -- to that question would it
23 -- does it work for you to take this feedback and have 7,600
24 C and build that into your analysis of 7,600 C so that the
25 -- for example, the electronic payment mechanisms that Mr.

1 Mactaggart mentioned could be an EEG. I'm just trying to
2 think of a way where we can, assuming that everyone is in
3 agreement or that we have a majority in agreement, to move
4 this forward so you don't have to bring a draft regulation
5 back to us. And I think that this should fit within 7,600 C
6 as is, or you could add e.g. check money order, or another
7 electronic funds method. If we can -- if we could approve
8 that today, I think that would be efficient for you. If you
9 could just let us know what is the appropriate approach.

10 MR. LAIRD: Yes. We can -- we can make any
11 recommended changes to that language today, and that would
12 be the language we'd go out with.

13 CHAIR URBAN: Okay.

14 MS. ALLEN: Yeah. Thank you.

15 CHAIR URBAN: All right. Any further comments or
16 questions from Board members on this? All right. Thank you
17 very much for all the thoughtful work on this and for taking
18 the experience from January, and hopefully making it as
19 streamlined as possible for all of our data brokers who need
20 to register and to build the transparency and privacy
21 protection mechanisms for the public. I will request a
22 public comment again to give a preview.

23 I expect to propose a motion to direct staff to
24 authorize -- to -- excuse me, to direct staff -- to direct
25 and authorize staff to advance this proposed data broker

1 registration regulations, the ones that are in your
2 materials. For today, a formal rule making, and as a
3 reminder, that would include commencement of the 45 day
4 public comment period and to otherwise authorized staff to
5 make additional changes were necessary to improve the
6 clarity and to reflect the discussion today that we just
7 had, and to ensure our compliance with the Administrative
8 Procedures Act. So I'll say that a little bit more
9 formally, but I first would like to take public comment.

10 MS. MARZION: This is for Agenda Item Number 4
11 regarding SB 362. If you'd like to make a comment at this
12 time, please raise your hand using the raised hand feature,
13 or by pressing star 9 if you're joining us by phone. This
14 is for Agenda Item Number 4. I believe that there are a few
15 hands raised. We have Jose Torres. I'm going to unmute you
16 at this time. You'll have three minutes to make your
17 comment, so please begin as soon as you're ready.

18 MR. TORRES: Good afternoon. Can everyone hear me.

19 CHAIR URBAN: Yes, we can. Thank you.

20 MR. TORRES: All right thank you. Good afternoon.
21 Jose Torres Casillas on behalf of TechNet. On this proposal
22 on data broker registry regulation, wanted to -- wanted to
23 provide our public comment. So starting off, having to
24 identify the individual product is much too specific without
25 a corresponding consumer benefit. Providing individual

1 product names could create long unwieldy list of various
2 products for each company.

3 In short, for 7603 Section 2, we recommend removal
4 of the word product while retaining language about a
5 description of services covered by the enumerated state or
6 federal law. In addition, the requirement around
7 approximate proportion of data collected and sold as
8 compared to annual -- to total annual data collected and
9 sold is too vague for uniform compliance.

10 Without specifics on how to perform the
11 calculation, companies may choose to answer very
12 differently, which would end up becoming very problematic.
13 Within this -- within 7603 Section 3, we also recommend
14 removal of the requirement or replacement with the
15 appropriate detail for the industry to understand how to
16 calculate proportion in sales.

17 Finally, in today's dynamic marketplace, consumers
18 will often use services for a period of time, and then they
19 may experiment and go elsewhere to get similar or the same
20 services, but then they might return. That's the benefit of
21 a competitive marketplace. And indeed consumers often want
22 to stay informed about services and offers available from a
23 number of different entities offering services.

24 Therefore, we don't think there is sufficient
25 basis to impose a timeframe with regard to when a direct

1 relationship season. In this case -- in this case, does a
2 business no longer have a direct relationship with a
3 consumer by continuing to save their account credentials, or
4 their music playlist, or even pass orders that they may have
5 placed on the website, which might be needed for a
6 customer's text purposes, for example?

7 As such, within defining direct relationship in
8 7601, we request that you add the word interacting, but also
9 remove within the preceding three years from the proposed
10 definition of direct relationship. I thank you for your
11 time and consideration.

12 MS. MARZION: Thank you. Next we have Bailey
13 Sanchez. You have three minutes. Go ahead and unmute
14 yourself.

15 MS. SANCHEZ: Hi, am I unmuted.

16 MS. MARZION: Yes, go ahead.

17 MS. SANCHEZ: Okay. Thank you. Thank you for the
18 opportunity to speak. My name is Bailey Sanchez, and I'm a
19 senior counsel with the Future of Privacy Forum. FPF is a
20 think tank focused on consumer privacy and helping policy
21 makers and other stakeholders find consensus on responsible
22 business practices for emerging technology. My comments
23 today focus on the draft regulations and in particular the
24 proposed definition of direct relationship.

25 As currently drafted, the regulations would

1 consider a data broker to include a business that sells
2 personal information about a consumer that the business did
3 not directly collect from the consumer, including instances
4 where the business has a direct relationship with the
5 consumer. We read this as an expansion of what would
6 constitute a data broker under the Delete Act, which is
7 focused exclusively on businesses that lack a direct
8 relationship with individuals.

9 FPF provides comment today not to opine on the
10 prudence of this policy decision, but rather to note that
11 this may have consequences come time for the development of
12 the accessible deletion mechanism. That's also called for
13 under the Delete Act. The Delete Act calls for an
14 accessible deletion mechanism that requires a data broker as
15 defined to, upon request, delete any personal information,
16 not just information collected from third party sources.

17 If coupled with a broader definition of what is
18 considered a data broker, this raises questions about how
19 the accessible deletion mechanism could function in a way
20 that aligns with reasonable consumer expectations. An
21 individual taking advantage of this accessible deletion
22 mechanism, in this case that it was to encompass
23 organizations with whom they have a direct relationship
24 with, could delete not just third party data collected about
25 consumers such as clickstream data use for targeted ads, but

1 also first party data affirmatively provided to the
2 business, potentially including entire accounts.

3 An individual can -- could inadvertently delete
4 their entire social media profile, e-mail account, or online
5 file storage. We recognize that the Agency is still
6 developing that accessible deletion mechanism, and this is
7 an issue that could perhaps be addressed through separate
8 regulations at a later date. However, even at this stage,
9 we encourage the Agency to act intentionally to ensure that
10 its approach under the Delete Act both empowers consumers
11 and is aligned with consumer expectations. Thank you for
12 your time and consideration.

13 MS. MARZION: Thank you. Next we have Matt
14 Schwartz, you have three minutes. Go ahead and unmute
15 yourself.

16 MR. SCHWARTZ: Good afternoon. My name is Matt
17 Schwartz and I'm a policy analyst at Consumer Reports.
18 Thank you to the Board for the opportunity to comment, and
19 to staff for all the hard work on these draft regulations.
20 Consumer Reports was a strong supporter of SB 362, the
21 Delete Act, and supports the Agency's efforts to create a
22 strong set of requirements to implement the law. It's long
23 past time for data brokers that have operated to date in
24 largely unregulated space, collecting and sharing consumers
25 personal information without their knowledge, to be more

1 accountable to both consumers and the government about their
2 practices.

3 While we support Section 7602 to 7605 of the draft
4 regulations, I'd like to focus my comments on section 7601,
5 definitions, as that proposes a definition of direct
6 relationship that clarifies that a business is still a data
7 broker if it has a direct relationship with the consumer in
8 one way, but also sells personal information about the
9 consumer it did not directly collect from them.

10 We think it's critically important to
11 conceptualize data brokers in this manner. Otherwise, we
12 risk opening up an unacceptably large loophole that may
13 prevent large data brokers from coverage, which would
14 contradict the spirit of the law. For example, some data
15 brokers like X-Mode, who is recently the subject of FTC
16 enforcement, do have consumer facing apps that allow them to
17 directly collect information from consumers that they can
18 use to augment their already vast data holdings about
19 consumers collected from various other sources.

20 In many cases, consumers are unlikely to associate
21 such first party data collection with the underlying data
22 broker, especially if the app is branded separately, as was
23 the case with X-Mode. The fact that a data broker has
24 multiple ways of building data profiles about consumers
25 should not spare them of the registration requirements and

1 future deletion requirements under the Delete Act.

2 Data brokers that operate in this manner should
3 have to register with the state and share information about
4 their practices, and consumers should be able to exercise
5 their deletion rights over at least the information that the
6 data broker has collected about them from third party
7 sources. Otherwise, we risk leaving companies out like
8 X-Mode, who builds itself as the second largest US location
9 data company.

10 MS. MARZION: You have 30 seconds.

11 MR. SCHWARTZ: We appreciate the draft regulations
12 seem to reflect this understanding and we urge the Board to
13 retain the definition going forward. Thanks again for the
14 opportunity to comment.

15 MS. MARZION: If there are any other members of the
16 public who'd like to speak at this time, please go ahead and
17 raise your hand using Zoom's raise hand feature, or by
18 pressing star 6 if you're joining us by phone. Again, this
19 is for Agenda Item Number 4. Madam Chair, I'm not seeing
20 any additional hands at this time.

21 CHAIR URBAN: Thank you, Ms. Marzion. And thank
22 you to the members of the public for those very helpful
23 comments. I saw a staff taking notes, so thank you for
24 that. I'd like to remind everyone that what we are
25 considering is to authorize staff to make technical changes

1 and a reflection of the Board discussion today, and to put
2 the package together for the 45 day comment.

3 I would very much be grateful if members of the
4 public comments today as well as of course many others would
5 be able to provide that kind of helpful and detailed
6 feedback during the 45-day comment period. Are there
7 further comments or questions from the Board that have come
8 up or?

9 All right. In that case, I propose a motion or
10 request a motion -- I request a motion to direct staff to
11 advance the proposed data broker registration regulations in
12 your materials for today to formal rulemaking, including
13 commencement of 45-day public comment period, and to
14 authorize staff to make additional changes where necessary
15 to reflect the Board's discussion today, improve the text
16 clarity or otherwise ensure compliance with the
17 Administrative Procedures Act. May I have such a motion?

18 MR. WORTH: So moved.

19 CHAIR URBAN: Thank you, Mr. Worth. May I have a
20 second.

21 MR. MACTAGGART: Second.

22 CHAIR URBAN: Thank you Mr. Mactaggart. I have a
23 motion and a second. Ms. Marzion could you please conduct
24 the roll call vote.

25 MS. MARZION: Board Member Le?

1 MR. LE: Aye.

2 MS. MARZION: Board Member Liebert?

3 MR. LIEBERT: Aye.

4 MS. MARZION: Board Member Macaggart?

5 MR. MACTAGGART: Aye.

6 MS. MARZION: Board Member Worth?

7 MR. WORTH: Aye.

8 MS. MARZION: Chair Urban.

9 CHAIR URBAN: Aye.

10 MS. MARZION: I have five ayes and zero nays.

11 CHAIR URBAN: Thank you, Ms. Marzion. We have --
12 the motion carries with the vote of five to zero. I want to
13 thank Ms. Allen very much for the helpful presentation,
14 again for the public comments and the Board discussion. And
15 we will look forward to hearing public comments from the
16 regulation in the formal rulemaking process. We will now
17 turn to Agenda Item Number 5.

18 This is our regularized -- one of two regularized
19 discussions of regulations, proposals and priorities. As a
20 reminder, this is a time to give staff advice on resources
21 and potential priorities for regulations, and provide
22 guidance for the upcoming year. That is likely next year.
23 We can talk about it. We'll have another update and
24 discussion at the end of the year. This item will be
25 presented by Mr. Laird and Ms. Lisa Kim, Senior Privacy

1 Counsel and Advisor for the CPPA.

2 Welcome, Ms. Kim. It's wonderful to see you as
3 well. I'd like to draw everyone's attention to the
4 materials for this item. There's a chart mapping the
5 priorities from last year and where we are, I believe, if I
6 interpret it correctly. Thank you. Please go ahead.

7 MR. LAIRD: Thank you, Chair Urban. Once again,
8 I'm going, first of all, acknowledge the wonderful
9 contributions Ms. Kim has had in a week of public service
10 appreciation to this Agency and to these regulations. And
11 so I'm going to let her introduce this item.

12 MS. KIM: Thank you. So Item 5 is our biannual
13 update on our rulemaking efforts and items proposed by
14 individual Board members. As a reminder, at our meeting
15 last May, we provided the Board with a color coded chart
16 that identified different rulemaking items. At that
17 meeting, the Board directed staff to commence rulemaking on
18 the green and blue items, and otherwise authorized staff to
19 commence rulemaking on the other item in staff's discretion,
20 taking into account resources and timing question. The
21 updated rulemaking topics document in your materials
22 basically includes two tables.

23 The first table are the items that are in
24 progress, which have been incorporated or being incorporated
25 into the proposed rulemaking package that staff is currently

1 working on. And then the second table represents ideas that
2 have been raised by individual Board members, lawmakers, and
3 the public on various occasions. If the Board recalls,
4 these were generally the items in the chart last year that
5 were identified as requiring more time and resources by
6 staff. The Board has not expressly determined which topics
7 staff should dedicate resources to analyze and/or pursue
8 when it has capacity to begin new projects.

9 So given the Agency's current workload, the Board
10 can choose to wait until its next biannual regulations
11 discussion to begin assigning priority to the concepts on
12 the chart, or any new ideas that are introduced today. Or
13 the Board can begin providing such direction at the meeting
14 today. If the Board would like us to move forward with any
15 of these items identified on the second chart or anything
16 discussed today, we do ask that the Board come to some type
17 of consensus and provide us with some specific direction as
18 to how do -- we can move forward. That is basically my
19 presentation in short here, but I'm very much open to taking
20 any questions regarding any of the two charts or anything
21 related to future rulemaking.

22 CHAIR URBAN: Thank you, Ms. Kim. Mr. Worth.

23 MR. WORTH: Ms. Kim, I had a question. What would
24 staff prefer? You asked, we could wait to give you
25 direction or give you some now. It's really a function of

1 if you had direction today, can you even implement that
2 direction with what else you already have on your plate?

3 MR. LAIRD: Thank you for the question, Board
4 Member Worth. So yes, as you've heard and as I think
5 you're all aware, we're working on a pretty major package
6 right now that incorporates a lot of components that was
7 directed to be prepared for formal rulemaking at our last
8 meeting. In addition, we've also now just received
9 direction to go ahead and commence rulemaking for these
10 registration regulations.

11 And so understanding, you know, we are a mighty
12 but still somewhat small legal division working on all these
13 regulations. Continuing to prioritize the packages I just
14 mentioned, we anticipate it would take us to later in the
15 year to substantively turn to yet a new project. At the
16 same time, we want to respect that this Board sort of
17 directs where we prioritize and, you know, any direction or
18 thought given from the Board today.

19 Certainly in some ways, the earlier we hear about
20 it, the more we can start thinking about it. I just wanted
21 to be clear about -- with the Board about our capacity to
22 really start in earnest on some of these projects and when
23 we might be able to bring back more thought through
24 proposals in response to any of that direction.

25 CHAIR URBAN: Thank you, Mr. Laird. Other comments

1 or questions? Mr. Macaggart.

2 MR. MACTAGGART: Thank you. And it's good to see
3 this back here. So great to know the regulations are moving
4 and reading document that keep on getting better. I had a
5 question on the updated, the summary sheet. So we don't
6 necessarily know the actual language, this is just the
7 concepts and then you'll sort of flash that out. Okay. I
8 just want to make sure I --

9 MS. KIM: No, that is -- these are basically ideas
10 and concepts that have been identified by Board members or
11 other members of the public. Whatever proposal that we move
12 on would require us to do some analysis and thought --
13 thinking through as to what would be the scope and what
14 makes sense going forward. And then we would make a
15 proposal to the Board.

16 MR. MACTAGGART: Okay. And so the -- what would be
17 most useful to you in terms of -- I mean, this is for the
18 chair. But what would be most useful to you in terms of how
19 we're looking at this? Are we supposed to get, you know,
20 top three or something or -- because on Monday, you know, at
21 first I thought, oh, the first page is the stuff they're
22 going to work on and the second too and then I realized, no,
23 it's just there all --so, what is that? Is the first page
24 the one -- that's what you're working on mostly and then the
25 next two are --

1 MS. KIM: Yes. So the first page, the first table
2 is our staff -- are items that have already been
3 incorporated into the future rulemaking package that will --
4 we plan to move forward, the omnibus package. It's the
5 second chart that we would probably -- that we would request
6 that the Board give direction to the extent they want us to
7 prioritize those Items.

8 CHAIR URBAN: I think what you're hearing from us
9 is we want to be useful and we also -- and we want to be
10 helpful and we also understand that you have a lot on your
11 plate right now with the omnibus package that you've been
12 working on. And so if it -- in my view, I think this list
13 is great and I would love to hear from Board members,
14 anything that is in your mind that is not currently on the
15 list, I think that would be helpful for staff to be able to
16 jot down.

17 But if it's -- if it is the case that
18 realistically the packages -- that packages, I guess, that
19 you're working on, the omnibus and the -- with the ADMT and
20 all of the other things, is what you're going to be working
21 on for the next few months, and it would make sense to
22 revisit in our second biannual meeting. That is -- that
23 sounds great to me. If there's anything that you think that
24 we should move on more quickly, I think we would be glad to
25 hear about that as well. But if you're -- if you're saying

1 that like that's really the situation with the resources, I
2 think it would be helpful for us to know. I think that's
3 what I'm hearing.

4 MR. LAIRD: That's really the situation with our
5 resources.

6 CHAIR URBAN: Okay. Right. I'm just -- so let's
7 -- I'm just going to be blunt about it in that case. And so
8 I think that's a -- that's realistic and helpful to know.
9 And in my view then, I think that it would be fine for us to
10 revisit this in our second biannual discussion. This --
11 that's just my opinion. And if Board members have anything
12 to sort of add to the list for that next discussion, I would
13 like to hear it. Mr. Le and Mr. Worth. Oh, sorry.

14 MR. LE: Yeah, that -- yeah, that was my take as
15 well is that, if there isn't going to be capacity until
16 likely the end of this year, maybe we could just push this
17 item to a later Board meeting this year or at the -- at this
18 time next year as well and just see how capacity is at that
19 point. Because it doesn't seem like there is capacity to
20 really do this and as -- and prioritize the, you know, the
21 ADMT package.

22 CHAIR URBAN: Thank you, Mr. Le. Mr. Mactaggart
23 and then Mr. Worth. Sorry. Mr. Worth.

24 MR. WORTH: I was just highlighting that he had
25 his hand up. That's all. But I'm in agreement as well.

1 CHAIR URBAN: Thank you, Mr. Worth. Mr.
2 Mactaggart.

3 MR. MACTAGGART: Okay. Chair, not -- this isn't
4 exactly what you asked, but I would just say on the second
5 page, personally, I feel like as a -- as a biggest in the
6 country, and I think the most robust privacy law, the one
7 area that I still think we are weak on is employee data, and
8 employee -- and business to business data. And frankly, as
9 -- I know why it was in there, I expected the legislature in
10 its wisdom to do something about it. They did not by the
11 deadlines.

12 Now we have a situation, which I don't think is
13 helpful, especially with the business to business data
14 where, you know, you can have a disgruntled employee who
15 really could throw a wrench in the -- in the works after
16 they left, you know, a business they've been in for 30
17 years, and then all -- every e-mail they'd ever sent was
18 their personal information. They could make life difficult
19 for another -- for all the companies they've done business
20 with, and then the employee data as well.

21 I think -- and I've said this many times, I think
22 there's a -- there's a -- there's a compromised position in
23 the middle where we're more rational than just saying
24 employees are just consumers like anybody else. So that's
25 where I would spend my time.

1 CHAIR URBAN: Thank you, Mr. Mactaggart. Other
2 comments or questions? Then I think we generally have
3 consensus that we would leave to the staff's discretion
4 anything that you've been into the chinks of a time as you
5 are working on the current packages that we've been talking
6 about. And I assume that if something arises that's urgent,
7 the general counsel will let me know to put on an agenda
8 item out of order or out of the regularized calendar. So I
9 thank everybody on the Board for the comments and I'll ask
10 for comment in public.

11 MS. MARZION: This is for Agenda Item Number 5,
12 regulations, proposals, and priorities. If you'd like to
13 make a comment at this time, please raise your hand using
14 the raise hand feature or by pressing star 9 if you're
15 joining us by phone. This is for Agenda Item Number 5.
16 Madam Chair, I'm not seeing any hands raised at this time.

17 CHAIR URBAN: Thank you very much, Ms. Marzion and
18 thank you very much, Ms. Kim. Really appreciate the helpful
19 chart and we'll look forward to the next conversation when
20 it comes time. Thank you. With that, we will move to
21 Agenda Item Number 6, which is public affairs campaign
22 update from Megan White, our Deputy Director for Public and
23 External Affairs. Welcome, Ms. White. I think I will just
24 go ahead and turn it over to you because we heard some
25 exciting ideas and plans in March and I'm excited to hear

1 the update.

2 MS. WHITE: Yes. Thank you, Chair Urban, I
3 appreciate members of the Board, and I'm going to follow our
4 general counsel's lead by thanking the amazing public
5 affairs team for all their assistance with our paid media
6 campaign. And just first before I jump into the paid media
7 campaign, I feel like I would not be doing my job as a
8 Deputy Director of External Affairs if I didn't mention our
9 stakeholder meetings one last time. So I appreciate Chair
10 Urban for raising them at the beginning of this meeting.

11 But just for members of the public who are joining
12 us, a quick reminder that we are kicking off our stakeholder
13 meetings next week. So we encourage the public to attend.
14 These are primary -- to receive primary feedback on the
15 Agency's proposed regulations on automated decision making,
16 technology, risk assessment and cybersecurity audits. Our
17 first session is going to be Monday, May 13th. So that's
18 this coming Monday in LA. Then we'll move to Fresno on
19 Wednesday May 15th.

20 Both of those meetings are going to be in-person
21 from 3:00 to 7:00. For those individuals who can't join us
22 in-person, please join us for the Sacramento meeting.
23 That's on Wednesday, May 22nd. That meeting is going to be
24 hybrid, so you're welcome to join us in Sacramento or the
25 Zoom link. And that meeting will be from 2:00 to 6:00. You

1 can get more information by visiting cppa.ca.gov.

2 It has all the info there. If you just click on
3 our announcements tab, you'll see it's the very first
4 announcement, and you'll also see a button where you can
5 register if you'd like to register, but that is not --
6 essentially you don't have to do it. It's completely
7 optional. And the legal team will bring back a summary of
8 those sessions at an upcoming Board meeting. Back to the --
9 to the agenda item at hand. I appreciate the ability to
10 plug that one last time.

11 So for the media buy. Since the May Board meeting
12 where I provided an overview of what we were thinking in
13 terms of our media buy, we took all the great feedback that
14 was provided by this Board. In addition, we had separate
15 conversations with Board Member Worth and Mactaggart, as
16 was directed by the larger Board at that March Board
17 meeting, to get a little bit more information and direction
18 for our media buy plan. Then we worked with our consultant
19 census, to revise the media buy plan, and that's what you're
20 going to be learning today. Next slide, please.

21 So you'll see here on this pie chart that we've
22 broken up our -- our paid media buy campaign to a couple
23 different channels. The goal is to have the broadest reach
24 possible to reach the numerous audiences throughout our very
25 large State of California. It's very key to a successful

1 statewide public outreach campaign to use various channels
2 to be able to reach such a large audience. So you'll see
3 here, if you look at this pie chart, you'll see that some
4 channels like out-of-home, and that's something for those
5 not familiar with that terminology, that's billboards and
6 digital displays. We're going to use something like that to
7 grab people's attention.

8 In this pie chart, you'll see that makes up 21
9 percent. So that's a pretty large portion of our buy. But
10 that's something that people will see very quickly as
11 they're driving by, you know, going 60, 70 miles an hour.
12 So we're not just relying on something like that, we're also
13 going to have something where we can do a deeper dive.
14 There we're looking to radio streaming audio and podcasts,
15 and these will convey more detailed messages along the lines
16 of the radio spot that you heard when I presented at the
17 March Board meeting.

18 In addition to that, our goal is to really meet
19 people where they are. For that, we realized that we needed
20 to use page search, digital video, and paid social since so
21 many people are on social media nowadays. So we'll be
22 integrating that into the buy plan as well. I would like to
23 flag that we were very thoughtful with our paid advertising
24 approach throughout the whole plan, but particularly when it
25 came to items like paid search, digital video, and paid

1 social.

2 We have the utmost consideration for people's
3 privacy rights. So, as discussed, we'll limit these ads and
4 gear the spend with that in mind. We're not doing
5 behavioral advertising, we're making sure that there's
6 complete compliance with the CCPA, but we also wanted to
7 spread the campaign so we can reach people where they are.
8 Moving on to the next slide.

9 Okay. And all of these that I'm going to go
10 through now, the radio, the print, and the community based
11 advertising, those were all also reflected in the pie chart
12 that I just showed. But I wanted to do a deeper dive on
13 this approach because this is really targeted to our diverse
14 and traditionally marginalized groups. So when we were
15 coming up with this paid media plan, we considered the
16 diversity of our state. Not everybody speaks English here
17 in California, and there's a lot of different cultures and
18 languages that make our state so wonderful.

19 So when we were doing our paid radio -- when we
20 were doing our radio ads, we created them in Spanish, and
21 those will stream and terrestrial streaming platforms and
22 podcasts. Moving on to print, we're going to do a statewide
23 newspaper campaign. This will be in newspapers that you
24 would receive as a hard copy, and then also those
25 e-newsletters that a lot of us receive. That's how many of

1 us get our newspapers nowadays on our inbox. So both of
2 those are included. When you hear newspaper and print, it's
3 not really print anymore -- only print anymore.

4 But we're going to use this paid campaign to reach
5 broad general audiences along with the more niche targeted
6 audiences. So we're going to be advertising it everything
7 from the LA Times to the Korean Times. We'll be hitting
8 more than 40 different ethnic papers and senior publications
9 in addition. Our ads will be translated into at least six
10 different languages based on the different newspapers that
11 we will be advertising in.

12 And the last one I really want to touch on is the
13 community-based advertising. For this, we partnered with a
14 vendor that has a grassroots approach, and that vendor -- to
15 advertising. They've worked -- this vendor has worked on
16 numerous state and federal public awareness campaigns, and
17 they've been around since the seventies. So we have very
18 strong partnerships.

19 What we do with this team is we'll be in
20 storefronts in communities. So people will be able to go
21 into their local supermarket, pharmacy, ethnic grocery
22 store, convenience store, laundromat, and they'll see our
23 brochures. They'll also see maybe a poster sitting right
24 behind the cashier or maybe a banner out in front of the
25 store. So it's a great way to get the word out in a

1 non-traditional grassroots way. And this is going to
2 compliment our grassroots campaign that we'll be launching
3 later this year. I'm excited to share that we're about to
4 add two more team members to help with the grassroots
5 outreach campaign. And so the paid and the grassroots will
6 compliment one another.

7 Moving on to slide 4. Okay. So this gives you a
8 general timeline of not only the campaign, but also the
9 various channels that we're going to be advertising. So as
10 you can see, we're in May, and the campaign will begin this
11 month and run for over a year. This chart shows each
12 channel, and when it will run during the course of the
13 campaign. You'll also see on the far end, we've completed
14 -- we've included the reach for each of these channels.

15 Now, of course, these are estimates, but
16 nonetheless, it gives you a feel for how broad and far
17 reaching this campaign is going to be. Some components are
18 a little lower cost, but have high impact, and so they will
19 run for the majority of the campaign. This includes things
20 like digital displays, paid social and paid search. Other
21 components -- I'm sorry, go ahead.

22 CHAIR URBAN: I'm sorry to interrupt this slide
23 that new slide --

24 MS. WHITE: Of course.

25 CHAIR URBAN: -- but I'm not a public affairs

1 expert in any way.

2 MS. WHITE: Of course.

3 CHAIR URBAN: And I'm so curious, what is digital
4 display?

5 MS. WHITE: Ah, that's a great question. So
6 digital displays are going to be like when you're driving
7 down the Billboards and you see the displays changing
8 instead of the stagnant --

9 CHAIR URBAN: I see. It's like LED Billboard.
10 Okay.

11 MS. WHITE: You got it. Apologies. I should have
12 been more clear. Yeah. So, and those have a lower cost.
13 So this paid social paid search. Other components that are
14 more like the out of home advertising, those will run for 10
15 months out of the campaign. Things like print, streaming
16 audio, podcasts, and radio will have shorter bursts
17 throughout the campaign. We'll be bunching these efforts to
18 maximize their impact, and they will saturate the market by
19 having quick spurts. But we're also being mindful of our
20 budget. So we're not going to be running some of these more
21 expensive things throughout the course of the campaign.

22 Moving on to slide 5. And I know I touched on
23 this a little bit in March, but I just wanted to bring it
24 back again. We developed numerous different ads for
25 different channels to keep the campaign fresh. As we

1 mentioned in March, we're targeting all Californians, but
2 particularly those in the 30 to 60 demographic, because
3 based on our survey, they're the least likely to know about
4 their rights and exercise their rights.

5 But one thing will remain consistent throughout
6 all of our advertising, and that will be directing people to
7 the [privacy.ca.gov](https://www.privacy.ca.gov) website so they can learn more. Because
8 as you know, advertising is very short, the call to action
9 is to learn more. So once again, I'd just like to praise
10 Ms. Cameron who designed all of these beautiful displays
11 that you're seeing here. We're so lucky to have somebody so
12 talented on our team.

13 And in addition, Ms. Cameron has led the effort to
14 develop [privacy.ca.gov](https://www.privacy.ca.gov), and we'll continue to add more
15 information onto that -- onto that website. We understand
16 that, you know, we launched it and there's a lot more
17 information videos to come. So please know that's top of
18 mind for our team. That concludes my presentation. I'm
19 happy to answer any questions that you have.

20 CHAIR URBAN: Thank you very much.

21 MS. WHITE: Thank you.

22 CHAIR URBAN: Questions or -- questions or comments
23 from Board members? Mr. Worth.

24 MR. WORTH: It's okay. Thank you. Just a
25 comment. As you mentioned, we had a subcommittee that kind

1 of dug into this a little bit, and I think this is
2 incredibly comprehensive plan. I think one of the things we
3 talked about is that, look back and audit the different
4 channels to see what worked better than what did, because I
5 think the spend is real and I think the need is real. So we
6 want to make sure it's as objective as possible. But I
7 really appreciate the effort and the scope of the whole
8 campaign. So thank you.

9 MS. WHITE: Thank you so much.

10 CHAIR URBAN: Thank you -- thank you, Mr. Worth.
11 Mr. Mactaggart.

12 MR. MACTAGGART: Thanks. I just compliment staff
13 on -- and especially Ms. White on a lot of work here that's
14 gone into this, and including, you know, being willing to
15 make changes that as we were kind of pushing to get this
16 money spent. And I'm going to sound like a state bureau guy
17 here, but you know, we do need to spend it in order not to
18 -- not to lose it. And I'm glad that we are going to be
19 able to get the word out and it's going to be spent
20 productively, which is, you know, educating Californians
21 about their privacy rights. So I want to thank you all and
22 I'm looking forward to seeing some of these ads out there.

23 CHAIR URBAN: Yeah. Thank you very much, Mr.
24 Mactaggart. I also want to -- I also want to express my
25 thank. It was very exciting. Your last presentation was

1 very exciting. And to see this sort of come to fruition is
2 even more exciting. As you know, Ms. White, from before you
3 were on Board, the Board has been very invested in the
4 public awareness aspect of our duties and our
5 responsibilities to Californians. And of course we've also,
6 we had big regulations package to do, and we've had lots and
7 lots of things to build.

8 So to see a plan that takes off like a jet and
9 goes, you know, for an extended period of time is really,
10 truly exciting. And I know it's an unbelievable amount of
11 work. So I really appreciate the investment. I think we
12 all do, and I really appreciate the investment of Mr. Worth
13 and Mr. Mactaggart for providing some additional sort of
14 Board feedback and information between the meetings. I also
15 really want to express my support for the multi-channel
16 approach and the multi-community approach.

17 I was really pleased to hear that that was part of
18 the plan in March. And I think it was maybe Mr. Lombard in
19 public comment had suggested making sure to reach out to
20 channels. I think he mentioned the Black community in
21 California but other communities as well. And it seems like
22 that's really coming to fruition. I think that's crucially
23 important in our diverse state, and I really appreciate
24 that, you know, really working to be sure that our message
25 can reach as many Californians as possible.

1 And I absolutely love these designs. I really --
2 I really love the "Protect your privacy. We'll give you a
3 hand." I think that's clever and delightful, and will really
4 give people a quick way to see, you know, what they can do
5 and to then come to privacy.ca.gov and do it. So thank you
6 all so much for this effort.

7 MS. WHITE: Thank you. Thank you so much for your
8 kind words and assistance.

9 CHAIR URBAN: Is there -- Mr. Le, I apologize.
10 You're in the corner of my eye, but I just see you.

11 MR. LE: Yeah, no worries. Yeah, you know, again,
12 you know, great work on this. And I just had two quick
13 questions. One is, you know, how much budget is left after
14 this, you know, this campaign runs? And the second is more
15 of a comment on the privacy.ca.gov. I had visited it and,
16 you know, I just think the one thing that could help is like
17 more examples of like, you know, kind of like a thought --
18 like kind of like in our regulations. There's examples of
19 how this thing can apply. I think that might help folks
20 kind of understand their rights under the CCPA a little bit
21 better. But I do love that locked acronym that you've all
22 got going on there. So yeah.

23 CHAIR URBAN: Thank you, Mr. Le.

24 MR. LE: Yes.

25 CHAIR URBAN: I use the locked acronym all the time

1 to remember when people ask me what their rights are. It's
2 a good mnemonic.

3 MS. WHITE: Completely agree. And I believe Ms.
4 Kim is the one who came up with that. So kudos to her.
5 Yes. Thank you Chair or Board Member Le. I agree we do
6 need to add a lot of things to the privacy website and I
7 think examples are a wonderful way to do so and make it
8 really tangible for people. In terms of the question that
9 you had, this buy will complete the media buy for that
10 contract, that's why it's going to run the 12 months.

11 But as you may be aware, we do have an RFP out
12 right now that includes a media buy portion. So I can't
13 speak more to that because it's currently out for public
14 bid. But I'm happy to provide an update at some point once
15 a bidder has been selected. But that will have a media buy
16 component assuming that it comes through a successful RFP.

17 CHAIR URBAN: Thank you, Ms. White. With that,
18 I'll ask if there's public comment.

19 MS. MARZION: This is for Agenda Item Number 6,
20 Public Affairs Campaign update. If you'd like to make a
21 comment at this time, please raise your hand using the
22 raised hand feature or by pressing star 9 if you're joining
23 us by phone. This is for Agenda Item Number 6, public
24 Affairs campaign update. Madam Chair, I'm not seeing any
25 hands raised at this time.

1 CHAIR URBAN: Thank you very much. And thank you
2 again, Ms. White and to everyone who's been working on this
3 really impressive campaign. And I will look forward to
4 seeing how well it's reaching California and then how
5 helpful it is to them as we -- as we go through it. With
6 that let's move to Agenda Item Number 7.

7 Agenda Item Number 7, I previewed at the top of
8 the meeting. This is our agenda item today for public
9 comment on items that are not on the agenda. Board members
10 stick to the items on the agenda, but that does not allows
11 us to provide this item for public comment on items not on
12 the agenda. So we welcome public comments today. Before we
13 proceed, I just would remind everyone again that the only
14 action the board can take is to listen to your comments and
15 we consider whether we might discuss the topic at a future
16 meeting.

17 No other action can be taken on any item at this
18 meeting. I know it can seem at times as though board
19 members are not being responsive, but following these rules
20 is crucial to ensuring that the Bagley-Keene Open Meeting
21 Act is followed and to avoid compromising the complimenter's
22 goals or the board's mission. With that is there any public
23 comment?

24 MS. MARZION: This is for Agenda Item Number 7,
25 public comment on items not on the agenda. If you'd like to

1 make a comment at this time, please raise your hand using
2 the raised hand feature or by pressing star 9 if you're
3 joining us by phone. Again, this is for Agenda Item Number
4 7, public comment on items not on the agenda. Madam Chair,
5 I'm not seeing any hands raised at this time. Does anyone
6 in the room have any comments?

7 CHAIR URBAN: Thank you, Ms. Marzion. And thanks
8 again to the public for attending to our meeting. With
9 that, I'll move to Agenda Item Number 8, which is our item
10 for future agenda items. At this time first the board and
11 then the public will have the opportunity to suggest agenda
12 items for future meeting. As a reminder, we can only
13 discuss whether to place those items on a future agenda. We
14 can't discuss them in substance. Let me first go through my
15 running list of items that I've gathered so that everyone is
16 aware of what might be upcoming on our regularized agenda
17 and so forth. So we will have reports out on public
18 awareness and eventually I think we're going to hear about
19 public awareness budget a little bit as you get further into
20 it. So thank you in advance for that.

21 Ms. De La Torres and I were the rulemaking process
22 subcommittee. As I mentioned at the end of last meeting
23 with Ms. De La Torres' departure. I have no subcommittee
24 partner. But when we have time and an agenda on an agenda,
25 I will report back to some of our findings and we can

1 discuss that and how we want to think about rulemaking work
2 process going forward. We do have our board handbook
3 outstanding.

4 We've welcomed another new member. So again, when
5 it's appropriate with staff recommendations based on board
6 individual feedback they've received that will come back. I
7 still have Mr. Mctaggart, your request of rulemaking to
8 include partial deletion for the delete, right? But I think
9 that was on the chart. So I need to update my list of
10 ongoing items. But please correct me if I'm wrong.

11 For our regularized calendar for July we will
12 expect to hear from -- the budget plan for the upcoming BCP
13 process. It's the same as last year. It -- as a reminder,
14 it allows us to be briefed and give some immediate feedback
15 following the passage of the budget by the legislature in
16 July. We will expect to hear our annual hiring update which
17 includes diversity and inclusion metrics. And that's up
18 from September in last year because current judge reporting
19 calendar makes it better to do that in July.

20 And then previewing September we have a number of
21 rulemaking pieces in the works. And so we will, I assume,
22 hear updates about those pretty soon. I can go through the
23 rest of the calendar if you'd like, but it's also on the
24 website. And I will ask if there are other items board
25 members would like to bring to my attention for future board

1 meetings. Yes, Mr. Mactaggart.

2 MR. MACTAGGART: Yeah, this has come up in the past
3 and it's obviously not going to happen right away, but I'd
4 love a update on adequacy and --

5 CHAIR URBAN: Adequacy under the --

6 MR. MACTAGGART: Yeah.

7 CHAIR URBAN: -- EPR, okay.

8 MR. MACTAGGART: Yeah. And whether -- you know, I
9 know that there are certain areas where we're -- you know,
10 we have certain differences and everything, but we have a
11 international expert city in our midst right here who can --
12 who knows all those people over in Europe, and I'm sure he
13 can tell us what his sense is and he is been over there and
14 he has talked to them all. And I'd love to get a sense of
15 -- from his point of view of, you know, how big a stretch is
16 it to apply right now, is there any fatal flaws or could we
17 actually, you know, push along and try to get something like
18 that done? So I'd love to have a little update from him on
19 that at some point in future.

20 CHAIR URBAN: Wonderful. Thank you, Mr.
21 Mactaggart. Mr. Worth.

22 MR. WORTH: Yeah, one thing on the data broker
23 registry that I think the public comment period starts for
24 45 days. I would just like to see what's completed, how we
25 reach out to the industry, and what kind of feedback we got

1 during the process. And frankly, for any of these public
2 comment periods I think it's a good exercise. Thanks.

3 CHAIR URBAN: Thank you, Mr. Worth. And as you go
4 through a formal rulemaking process with us we will receive
5 all of the materials, all of the comments that we get, and
6 staff will also digest them for us, so we can all -- we will
7 all look forward to that. And I think staff will of course
8 let us know how they've responded to the public comment.
9 Thank you.

10 Anything else from board members? All right. If
11 there is anything that comes up between meetings, please
12 bring them to the attention. Please bring Mr. Laird's
13 attention to them so that we can work to get things on the
14 agenda. Are there any agenda items requested by the public?

15 MS. MARZION: This is for Agenda Item Number 8,
16 feature agenda items. If you'd like to make a comment at
17 this time, please raise your hand using the raise hand
18 feature or by pressing star 9 if you're joining us by phone.
19 Again, this is for Agenda Item Number 8, future agenda
20 items. Madam Chair, I'm not seeing any hands raised at this
21 time.

22 CHAIR URBAN: Thank you very much, Ms. Marzion.
23 Thanks everyone for a very productive meeting. With that, I
24 will move to Agenda Item Number 10, because we've already
25 held our closed session, which was Agenda Item Number 9.

1 Agenda Item Number 10 is our final item
2 adjournment. I'd like to thank everybody board members,
3 staff and members of the public for their contributions to
4 the meeting and to the board's work. I'd like to very much
5 thank CPUC staff for your work to host us today. And I
6 would like to thank everybody for their incredible patience
7 with the vagaries of technology as we got the meeting
8 started today. And for those of you who got everything to
9 work so that we could have such a productive public meeting.
10 Thank you very much for your efforts there. And when --
11 with that, may I have a motion to adjourn the meeting?

12 MR. LIEBERT: Comment.

13 CHAIR URBAN: I -- Mr. Liebert, please.

14 MR. LIEBERT: This is a motion with a thank you to
15 the great staff. You all did a fabulous job getting me
16 onboarded here, and I wanted to appreciate all of you for
17 that. So thank you. And I move to adjourn.

18 CHAIR URBAN: Thank you, Mr. Liebert. May I have a
19 second.

20 MR. WORTH: Second.

21 CHAIR URBAN: Thank you, Mr. Worth. I have a
22 motion and a second to adjourn the meeting. Ms. Marzion,
23 could you please conduct the vote.

24 MS. MARZION: Yes. The motion is to adjourn.
25 Board member Le.

1 MR. LE: Aye.

2 MS. MARZION: Board member Liebert.

3 MR. LIEBERT: Aye.

4 MS. MARZION: Board member Mactaggart.

5 MR. MACTAGGART: Aye.

6 MS. MARZION: Board member Worth.

7 MR. WORTH: Aye.

8 MS. MARZION: Chair Urban.

9 CHAIR URBAN: Aye.

10 MS. MARZION: Madam Chair, you have 5 aye's.

11 CHAIR URBAN: Thank you very much. Vote of five to
12 zero. And this meeting of the California Privacy Protection
13 Agency Board hereby stands adjourned. Thank you.

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