

CALIFORNIA PRIVACY PROTECTION AGENCY

Board Meeting – April 4, 2025

Agenda Item 3

EXPLANATION OF MODIFIED TEXT OF PROPOSED REGULATIONS

This chart summarizes the proposed changes in response to comments received during the 45-day comment period. Specifically, the items in purple double-underline for proposed additions and ~~orange double-strikethrough~~ for proposed deletions. Non-substantive changes (e.g., grammatical changes, changes in numbering/lettering, and corrections to section numbers) are not included.

SECTION	EXPLANATION FOR MODIFICATION
7001(n)	Added definition of “cybersecurity audit report” and used this term throughout to clarify the information that must be included in a cybersecurity audit report.
7001(w)	Added sentence to the definition of “information system” to clarify that the information system for which the business is responsible includes the use of a service provider’s or contractor’s resources.
7001(hh)	Added exception to “physical or biological identification or profiling” to clarify that processing physical or biological characteristics that do not identify, and cannot reasonably be linked with, a particular consumer is not in scope of the definition.
7001(ddd)	Added neural data to the definition of sensitive personal information to conform with recent changes to the law.
7013(e)(3)(C); 7014(e)(3)(C)	Modified to include the option of providing the notice “at the time” the device begins collecting the personal information at issue to conform with Notice at Collection requirements.
7013(e)(3)(D); 7014(e)(3)(D)	Modified to include the option of providing the notice before or at the time the consumer enters the augmented or virtual reality environment or before or at the time the consumer encounters the business within the augmented or virtual reality environment. Accounts for situations where a consumer can encounter a store, such as an app store, within the virtual world.
7020(e)	Added that the required method does not need to apply to personal information collected prior to January 1, 2022, to conform with the language of the statute.

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SECTION	EXPLANATION FOR MODIFICATION
7022(b)(1), (c)(1), (f)	Deleted the proposed modifications to simplify implementation at this time.
7022(g)(5); 7023(f)(6); 7024(e)(3); 7026(e); 7027(f)	Deleted the requirement to inform consumers that they can file a complaint with the Agency and the Attorney General to simplify implementation at this time.
7023(c)	Deleted redundant words.
7023(f)(3)	Deleted this subsection requiring notification of others that the consumer contests the accuracy of certain personal information to simplify implementation at this time.
7023(j); 7024(d)(2)	Clarified language and provided an example of how a business could confirm that the personal information the business maintains is the same as what the verified consumer provides.
7026(f)(3)(A)	Clarified the example to emphasize that the business in the example is able to restrict the transfer of personal information immediately.
7121(a)	Revised to provide clarity regarding the specific dates by which a business must complete its first cybersecurity audit.
7122(a)(1)	Added phrase “(separate from articulating audit findings)” to clarify that an auditor may make recommendations as part of articulating audit findings.
7122(d)	Added phrase “(for example, the processes, activities, and components of the business’s information system that will be assessed)” to provide guidance about what may be articulated as part of a cybersecurity audit’s scope.
7122(d)–(i)	Used the new term “cybersecurity audit report” to clarify the information that must be included in a cybersecurity audit report.
7122(j)	Revised to clarify that the requirement to retain documents relevant to each cybersecurity audit applies to the business as well as to the auditor.

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SECTION	EXPLANATION FOR MODIFICATION
7123(a)–(e)	Used the new term “cybersecurity audit report” to clarify the information that must be included in a cybersecurity audit report.
7123(b)(3), (c)(1), (c)(2)	Revised to clarify that the audit would also have to assess and document any additional components the business/auditor decided to include in the audit.
7123(c)(4)	Revised to clarify that the business is not required to provide more than three titles of qualified individuals responsible for the business’s cybersecurity audit program, to provide flexibility for businesses that have many individuals responsible for their cybersecurity programs.
7123(e)	Revised to remove language regarding notifications to other data processing authorities outside of California to simplify implementation at this time.
7123(f)	Revised to remove the language regarding specific explanation of how a cybersecurity audit, assessment, or evaluation that a business has completed meets the requirements set forth in Article 9, to simplify implementation at this time.
7152(a)(2)(B)	Revised to remove language regarding a business’s actions to maintain the quality of personal information to simplify implementation at this time.
7152(a)(4)	Revised to remove language regarding a business’s specific identification of monetary benefits to simplify implementation at this time.
7152(a)(5)(B), (a)(6)(B)(i)–(ii), 7201(a)(1)–(2), 7221(b)(3)(B)	Added “unlawfully” and revised “protected classes” to “protected characteristics” for clarity, consistency, and harmonization with existing law.
7152(a)(9)	Revised to clarify that the risk assessment must identify the names and positions of individuals who reviewed or approved the assessment, including an individual who has authority to participate in deciding whether the business will initiate the processing subject to the assessment.
7155(a)(3)	Revised to provide more clarity and flexibility for businesses.
7155(c)	Revised to provide clarity regarding the specific calendar date by which a business must conduct its risk assessments for processing activities that

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SECTION	EXPLANATION FOR MODIFICATION
	began before the effective date of the regulations and that continue after the effective date.
7200(b)	Added subsection to provide a calendar date by which businesses must be in compliance with the requirements in Article 11.
7221(n)(2)	Revised to clarify that the business must notify service providers, contractors, or others of the consumer’s opt out of “that” ADMT, because a consumer may have opted out of only certain of the business’s uses of ADMT, in accordance with 7221(i).
7271(b)(3)	Added third example to clarify how information subject to the Insurance Code would not be subject to the CCPA.