
CALIFORNIA PRIVACY PROTECTION AGENCY

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Date: April 25, 2025

To: California Privacy Protection Agency Board
(Meeting of May 1, 2025)

From: Maureen Mahoney, Deputy Director of Policy and Legislation

Subject: **Agenda Item 3 — Legislative Update and Authorization of CPPA Positions on Pending Legislation. SB 361 (Becker), Data broker registration: data collection, as amended March 24, 2025**

SB 361 from Senator Becker, the author of the Delete Act, expands the Delete Act's disclosure requirements for data brokers, with an eye towards protecting immigrants, union members, members of the LGBTQ community, and others who are particularly vulnerable in light of changes at the federal level.¹ The bill is awaiting consideration on the Senate floor. Because the bill would help better inform consumers considering deleting their data pursuant to the Delete Act, staff recommends a support position on the bill.

Summary

Existing law, commonly known as the Delete Act, requires every data broker, defined as a business that knowingly collects and sells to third parties the personal information of a consumer with whom the business does not have a direct relationship, to register with the California Privacy Protection Agency each year and to disclose specified information, including how to exercise consumer rights, and whether they collect precise geolocation data, reproductive healthcare information, and the information of minors. The CPPA is required to create and maintain a public website that includes the information provided by the data brokers.

It also requires the Agency to, by January 1, 2026, establish an accessible deletion mechanism that, among other things, allows a consumer, through a single verifiable consumer request, to request that every data broker that maintains any personal information delete any personal information related to that consumer held by the data broker or associated service provider or contractor.

Beginning January 1, 2028, and every 3 years, data brokers are required to undergo an audit by an independent third party to determine compliance with the measure and submit an audit report to the Agency.

¹ SB 361 (2025), https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260SB361.

This bill amends the Delete Act to expand the data broker registration requirements, requiring data brokers to disclose to the Agency, upon registration, whether they collect:

- Consumers' login account information, including passwords.
- Consumers' social security numbers.
- Consumers' drivers' license or California Identification card numbers.
- Consumers' citizenship data, including immigration status.
- Consumers' union membership status.
- Consumers' sexual orientation status.
- Consumers' biometric data.
- Consumers' gender identity and gender expression data.

The CPPA has a corresponding obligation to include this information in the public data broker registry.

Analysis

In staff's view, this bill is consistent with the Agency's mission to protect Californians' consumer privacy. The Delete Act currently requires data brokers to disclose to the CPPA whether it collects certain types of sensitive personal information, such as the information of minors. This bill meaningfully expands transparency requirements for data brokers by requiring them to disclose whether they collect citizenship data, immigration status, sexual orientation status, and gender identity and gender expression data.

In light of changes on the federal level, it's more important than ever that vulnerable communities, including LGBTQ Californians, those seeking reproductive care, and immigrants, are better able to control the personal information collected, maintained, and disclosed about them. By requiring greater transparency with respect to data brokers' collection of this data, this bill will better enable consumers to decide whether to request to delete their personal information held by data brokers through the CPPA's Delete Request and Opt-out Process (DROP) system, beginning January 1, 2026.

Recommendation: Support

Public Support/Opposition

Per the April 23, 2025 Senate floor analysis²:

Support:

Oakland Privacy
California Federation of Labor Unions, AFL-CIO
Consumer Federation of California
Consumer Reports

² California Senate Floor Analysis at 7 (April 23, 2025),
https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202520260SB361.

Electronic Privacy Information Center
Privacy Rights Clearinghouse
Puente de la Costa Sur
Secure Justice

Opposition:

None available

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