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**CALIFORNIA PRIVACY PROTECTION AGENCY**

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Date: February 12, 2026

To: California Privacy Protection Agency Board  
(Meeting February 27, 2026)

From: Philip Laird, General Counsel  
California Privacy Protection Agency

**Subject: Agenda Item 7 - Discussion and Possible Action Regarding Rulemaking  
Petition to Amend Existing Regulations to Incorporate Frameworks  
for “Minimal Functional Mode” and a “Tiered Consent Structure” for  
General Purpose Consumer Devices**

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This memorandum provides information regarding the Petition for Rulemaking (Petition - attached hereto) received by the Agency on February 9, 2026. The Petition requests the Agency engage in rulemaking to incorporate frameworks for “Minimal Function Mode and a “Tiered Consent Structure” for general purpose consumer devices. Petitioner seeks to require devices to allow use of basic hardware software without conditioning use on cloud identity or consent to data collection not essential for the particular function; require separate consent at time of use for secondary data processing; and mandate the “Minimal Function Mode” as the default for devices being used by minors.

### **Petitions for Rulemaking**

The Administrative Procedure Act (APA), which governs rulemaking by state government agencies, allows an interested person to petition a state agency to adopt, amend, or repeal a regulation (“petition”). A petition must clearly articulate the nature of the regulation requested, the reason for the request, and the state agency’s authority to take the requested action. (Gov. Code § 1340.6.)

Upon receiving a petition, a state agency must notify a petitioner in writing that it has received the petition. Within 30 days, the state agency must deny a petition through a written decision explaining why it has made that decision or schedule it for public hearing following the notice and hearing requirements for rulemaking under the APA.

An agency may grant or deny a petition, grant or deny part of a petition, grant other relief, and take any other action warranted by a petition. The written decision must also be submitted to the Office of Administrative Law and published in the California Regulatory Notice Register. (Gov. Code § 1340.7.)

### **Required Agency Action**

The Agency must act regarding the Petition within 30 days of receipt. As the Agency received the Petition on February 9, 2026, it must take action no later than March 11, 2026.