



Reducing Friction in the Exercise of Privacy Rights

Recommendations for Board Consideration

California Privacy Protection Agency

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Agenda

- I. Background on Friction in the Exercise of Privacy Rights**
- II. Preliminary Rulemaking Activities**
- III. Recommendations for Board Consideration**

Background on Friction in the Exercise of Privacy Rights

Exercising Privacy Rights is Meant to be Easy

- “Fundamental to [California’s constitutional] right of privacy is the ability of individuals to control the use, including the sale, of their personal information.” (Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), § 2(A).)
- Implementation of CCPA shall be guided by principles of consumer control and ease of exercising privacy rights. (See *id.* at § 3(A).)
- CCPA directs Agency to establish rules to help minimize burdens on consumers in exercising rights. (See, e.g., Civ. Code, §§ 1798.105–1798.125, 1798.185(a)(4)(A), (a)(6).)
- Agency regulations prohibit unnecessary friction in privacy rights request submissions - and provide illustrative examples. (See § 7004.)

History of Agency Addressing Friction in the Exercise of Privacy Rights

1

Jan. 1, 2023

CCPA amendments go into effect

3

Apr. 2, 2024

Enforcement Advisory addresses requests for excessive and unnecessary PI in response to consumers' CCPA requests

5

Mar. 7, 2025

Honda settlement involving verification, requiring more PI than necessary, failing to offer privacy choices in symmetrical/equal way

2

Mar. 29, 2023

Agency regulations go into effect, including § 7004 explicitly addressing friction

4

Sept. 5, 2024

Enforcement Advisory addresses user interfaces and the need to offer symmetrical choices and use easy-to-understand language when offering privacy choices

6

May 1, 2025

Todd Snyder settlement involving verification, requiring more PI than necessary, and failing to process OOSS requests

History of Agency Addressing Friction in the Exercise of Privacy Rights

7

Sept. 26, 2025

Tractor Supply settlement involving failing to honor GPC

9

Jan. 1, 2026

Agency launched Delete Request and Opt-out Platform for consumers

11

Aug. 10, 2026

LocateSmarter settlement involving verification

13

Jan. 1, 2027

Opt Me Out Act goes into effect

8

Oct. 8, 2025

Agency-sponsored Opt Me Out Act (requiring browser developers to offer GPC functionality) signed into law

10

Feb. 27, 2026

- PlayOn Sports settlement involving failing to provide sufficient way to OOSS, failing to honor GPC
- Ford settlement involving verification

12

Sept. 28, 2026

Agency-sponsored bill expanding right to delete and requiring online-only businesses to provide online methods for submitting privacy requests signed into law

Preliminary Rulemaking Activities on Reducing Friction

Preliminary Written Comments

- **> 40 written comments received, > 375 pages**
 - Comments relate to both reducing friction and OOPS rulemaking topics
- **Commenters represented:**
 - Businesses and trade organizations, including data brokers and authorized agents
 - Consumers and consumer advocacy organizations
 - Academia

Summary of Written Comments

Themes from Reducing Friction comments:

- Consumer confusion about CCPA privacy rights and choices
- Friction that consumers and authorized agents face in exercising CCPA privacy rights
- Mixed recommendations relating to standardization – of notices and disclosures, pathways to exercise rights, and verification requirements
- Mixed recommendations relating to authorized agent requests – relating to verification requirements and how businesses receive and handle requests

Reducing Friction Recommendations for Board Consideration

Recommendations

- I. Tool to help consumers exercise rights and template to help businesses comply**
- II. Clarify that certain businesses must explain how cookie preferences relate to opt out of sale/sharing**
- III. Clarify that certain practices are prohibited**
- IV. Further define “intentionally interacts”**
- V. Clarify consumers’ ability to modify privacy choices**
- VI. Modify response timeline for verifiable requests**

**Tool to help consumers exercise
rights and template to help
businesses comply**

Tool to help consumers exercise rights and template to help businesses comply

Staff Recommendation

That the Agency provide:

- 1) A tool to help consumers understand and exercise their CCPA rights; and
- 2) A template to help businesses comply with the CCPA.

Tool for consumers: Help them understand and exercise their rights

Educational

- Includes CCPA rights descriptions, linked to longer explanations
- Explains purpose of tool and how to use it
- Includes business-response timelines

Practical

- Enables consumers make single request to exercise all applicable CCPA rights
- Generates customized content consumer can paste into email or letter

Template to help businesses comply: Webform to receive CCPA requests

Educational for businesses & consumers:

- Sample webform content and guidance for businesses on how to tailor a webform to the business's practices
 - Descriptions of CCPA rights and how to exercise rights
 - What businesses can and cannot require, and timelines for business responses
- If businesses use the template to provide single webform, they'll enable consumers to submit a single request to exercise all applicable CCPA rights

Clarify that certain businesses must explain how cookie preferences relate to opt-out of sale/sharing

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Staff recommendation

Clarify that businesses that use a cookie banner or cookie controls to provide opt-out of sale/sharing functionality must clarify how cookie preferences relate to a consumer's ability to opt out of sale/sharing.

Clarify that certain practices are prohibited

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Staff Recommendation

Clarify that certain practices that make it difficult for consumers to exercise their CCPA rights are prohibited.

Explicitly prohibit certain practices:

- Making information about privacy rights hard to find (e.g., no-index code; limiting access to opt-out forms)
- Failing to remedy nonfunctional links or email addresses within short timeframe
- Blocking or rate-limiting email or IP addresses unless certain conditions are met
- Requiring a consumer to:
 - Complete unnecessary steps (e.g., multiple CAPTCHAs), with examples tied to how the business interacts with consumers in other contexts
 - Fill out multiple or duplicative forms (e.g., instead of configuring systems to accept multiple requests from a consumer simultaneously)
 - Unnecessarily wait to receive request for additional information/action
 - Respond to requests for additional information unless business includes certain information (e.g., which request, response deadline)
 - Respond more quickly than in other contexts

Further define “intentionally interacts”

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Staff Recommendation

Further define “intentionally interacts” to clarify what is necessary for a consumer to “direct” a business to intentionally disclose personal information to, or intentionally interact with, one or more persons, such that a business is not “selling” or “sharing” the consumer’s personal information.

Background on “intentionally interacts”: Exceptions in definitions of “sell” and “share”

- “For purposes of this title, a business does not sell personal information when: (A) A consumer uses or directs the business to ***intentionally***: (i) Disclose personal information. (ii) ***Interact*** with one or more third parties.” (Civ. Code, § 1798.140(ad)(2) (emphasis added).)
- “For purposes of this title, a business does not share personal information when: (A) A consumer uses or directs the business to intentionally disclose personal information or ***intentionally interact*** with one or more third parties.” (Civ. Code, § 1798.140(ah)(2) (emphasis added).)

Further define “intentionally interacts”

Add statutory definition of “intentionally interacts” to regulations, and add clarification:

For purposes of “sale”/“share” definitions—a consumer does *not* direct a business to disclose the consumer’s PI to, or intentionally interact with, one or more persons, unless the direction includes:

- To whom PI would be disclosed, or with whom business would interact,
- Specific purpose for which business would disclose to, or interact with, the person, and
- Duration for which business would disclose to, or interact with, the person

Clarify consumers' ability to modify privacy choices

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Staff Recommendation

Clarify that a business must make it easy for a consumer to review and withdraw consent they've provided – and that this includes requiring minimal steps and complying with section 7004.

Clarify consumers' ability to modify privacy choices

- Include example of providing persistent account settings or privacy dashboard
- Add “withdrawing consent” to section 7004, for further clarity
- Add example to section 7004 to illustrate symmetry in choice in processes for obtaining and withdrawing consent
- Explicitly require business’s privacy policy to include statement of ability to withdraw consent, and explanation of how to review and withdraw consent

Modify response timeline for verifiable requests

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Staff Recommendation

Staff recommends modifying section 7021 to require that businesses confirm receipt of verifiable requests as soon as feasibly possible but within 10 days of receipt.

