

Subject: Re: ACTION REQUIRED: CPPA Stakeholder Session Confirmation
Date: Friday, May 6, 2022 at 3:45:56 PM Pacific Daylight Time
From: Ginny Fahs
To: Regulations
Attachments: Screen Shot 2022-05-04 at 6.07.26 PM.png, FAHS CPPA Comments - Consumer Experiences with CCPA Rights.pdf

WARNING: This message was sent from outside the CA Gov network. Do not open attachments unless you know the sender: [REDACTED]

Hello,

Thanks for letting me offer additional comments — I've pasted some below and attached them to this email as well.

I experienced technical issues trying to join the session, which is why I was late and missed my slot. Attaching a screenshot in case useful to your team. This is what I saw when I clicked into <https://cppa-ca-gov.zoom.us/j/84678507014>. I didn't have an account and couldn't figure out how to make one, so was gated from joining. Thanks to Von Chitambira for providing support via phone which ultimately allowed me to join.

Best,
Ginny

Consumer Experiences with CCPA Rights

My name is Ginny Fahs and I lead Product R&D at Consumer Reports Digital Lab.

My group at Consumer Reports has conducted 3 research studies on CCPA data rights with over 800 consumers participating. Consumers have told us they “didn’t understand how much work [they] had to do,” that they’re “angry that these companies flout the law,” and that “it’s complicated, lots of links, not clear what to do.”

At a high level, consumers have a hard time with discovery of companies that have data, initiation of requests, and identity verification.

For understanding which companies might have data, data broker registries and authorized agents that help raise awareness of companies that may have consumer data can be helpful starting points

For initiating requests to businesses, clear privacy policies, user-friendly request submission flows in company portals, and enrolling in authorized agents that have experience sending requests has been helpful to consumers who participated in our research.

For identity verification, we know it's vital to keeping consumer data safe – it prevents data from ending up in the wrong hands, and stops bad actors from tampering with accounts. However consumers still face problems with it. Identifiers are not usually stable; a minority of consumers have just one email address, and consumers' names and residences change frequently. If data provided doesn't exactly match a database, consumers can't verify and requests get held up or rejected.

Documentation can be a barrier with identity verification. One California resident did not have access to a government ID with their current address. It took us several weeks to get the business to accept an alternative form of ID, and it's unlikely that a consumer would be able to advocate for that need or navigate that interaction without help. Consumers weren't always sure that verification emails were legitimate, they often went to spam. Also, consumers often need more time to verify. In one severe case, a data broker had policies that required clicking a verification link within 30 minutes of it being sent, did not provide consumers a warning as to when that link might be sent, and did not provide a clear mechanism for trying again.

Agents can also help with identity verification, for both consumers and covered businesses. A consumer who wants to send a dozen requests can now pass along some of the identity verification information to a single party (the agent) rather than doing so a dozen times for each covered business.

When consumers' requests to access data were processed successfully, the data did help them make sense of what companies know about them. Some consumers in our research were confused or upset about the data they saw. Anthony was surprised that a data broker "knew all my siblings, where they lived and all my neighbors." That said, lots of consumer brands deliver back data that is unsurprising. One consumer who received his data back from Quora told us, "I volunteered the info, so no surprises."

Authorized agents are not a silver bullet, but can make things easier for consumers. "This is tedious repetitive work that I'd much rather delegate to a competent agent," one consumer said. Another told us that "having an agent would "be a nice service, if it worked."

Our research has shown that authorized agents face significant barriers when sending requests, just like consumers do. To start, businesses sometimes aren't prepared for agent requests. Privacy policies often don't have clear instructions for agents; companies' e-forms lack fields for agents. If a field says "First name," is it the consumer's or the agent's name? Furthermore, most identity verification doesn't account for agents. We've been asked security questions like "When was Consumer Reports born?" Customer support staff clearly hadn't received training on how to handle authorized agents in most cases.

What's more, agent processes for access requests were often inconsistent. Some businesses wanted to send data only to the data subject. Others sent data only to the agent. Across the board companies had a hard time communicating with agents effectively. Of the 208 requests we sent in our last study, we do not know the outcome of more than half of the requests because of lack of communication on the part of companies we sent requests to.

Finally, power of attorney was not an effective document for declaring the authorization of the agent. We were optimistic that consumers who signed a power of attorney authorizing us as their agent would have a satisfying and uncomplicated experience when sending a data access request to a business. This was rarely true.

Based on the experiences we've had working with consumers to submit requests, and serving as an authorized agent ourselves, we offer three recommendations:

First, specify a minimum time for consumer verification in regulation. We recommend that regulation includes a minimum window of five days for each step the consumer needs to take to verify identity during requests.

Second, allow consumers to specify who receives data for agent requests. There are reasons why a consumer might want an agent to receive data, or might want to receive data themselves. It follows then that the regulations should allow consumers to specify this.

Third, explore expanding the power of attorney authorization. The notion of a stringent "extra-authorization" is the most promising path forward we see for a secure and painless data rights experience for consumers. Since many data requests are administered digitally and involve information in all-digital modes, we need digital solutions that carry the weight of power of attorney.

Overall, the experience of submitting CCPA data rights requests to companies remains challenging for consumers. At the same time, businesses are improving their processes and competent authorized agents are on the rise. With the right adjustments from regulators, the consumer experience of CCPA will continue to improve. Thank you.

Ginny Fahs
Product R&D, Digital Lab
m [REDACTED]
Pronouns: she, her, hers



Sent via [Superhuman](#)

On Wed, May 04, 2022 at 7:14 PM, Regulations <Regulations@coppa.ca.gov> wrote:

Ms. Fahs

Thank you for your comments today.

As you missed your pre-requested speaking slot and were limited to 3minutes, please feel free to submit your comments to us here via email.

Thank You

From: Ginny Fahs [REDACTED]
Date: Thursday, April 28, 2022 at 11:03 AM
To: Regulations <Regulations@cpha.ca.gov>
Subject: Re: ACTION REQUIRED: CPHA Stakeholder Session Confirmation

WARNING: This message was sent from outside the CA Gov network. Do not open attachments unless you know the sender: [REDACTED]

Hi CPHA Staff,

I'm writing to confirm that I'd like to discuss Consumers Experiences with CPHA in the May 4 session. Let me know if there's any other information you need on this.

Thanks,

Ginny

Ginny Fahs
Product R&D, Digital Lab
m [REDACTED]
Pronouns: she, her, hers
CR.org



Sent via [Superhuman](#)

On Tue, Apr 26, 2022 at 9:39 PM, Regulations <Regulations@cpha.ca.gov> wrote:

Dear Stakeholder,

Thank you for signing up to speak at the California Privacy Protection Agency's 2022 Pre-Rulemaking Stakeholder Sessions. The Stakeholder Sessions will be held over Zoom video- and teleconference on **May 4, 5, and 6**.

Please read the following information carefully and confirm or cancel your speaking slot by replying to this email.

We are pleased by the high level of interest in the Stakeholder Sessions, with approximately 140 stakeholders requesting to speak.

In order to accommodate everyone, stakeholders will be scheduled for their **first-choice topics**. Your first-choice topic is **Consumers' Experiences with CCPA Rights**. This topic is scheduled for May 4 from approximately 3pm to approximately 4pm. Please note that these times are approximate and please log into the session well before the approximate start time of your session. We will not be able to wait if you miss your slot.

Speakers will be called on in alphabetical order by last name during this window. You will have 7 minutes to speak. In order to accommodate everyone, we will be strictly keeping time and speaking for a shorter length of time is just fine. We encourage everyone to plan on speaking for 5 to 7 minutes.

Please plan to focus your remarks on your main topic. However, if you'd like to say something about other topics of interest at the end of your remarks, you are welcome to do so. You are also welcome to raise your hand during the portion of each day set aside for general public comment. Finally, you may also send us your comments via physical mail, or email them to regulations@coppa.ca.gov if you cannot attend.

California law requires that the CPPA refrain from using its prestige or influence to endorse or recommend any specific product or service; consequently, during your presentation we ask that you also refrain from recommending or endorsing any specific product or service.

Please note, **you'll need to sign into Zoom using the name (or pseudonym) and email you provided when you signed up to request your speaking slot**. If you are participating by phone, please indicate the number you'll be calling from so that we may recognize you during your pre-appointed speaking slot. Note that your name and phone number may be visible to public during the live session and subsequent recording. If you need disability accommodations, please let us know ahead of time.

We will communicate the schedule and meeting logistics for all Stakeholder Sessions soon. Again, please reply to this email to **confirm or cancel your speaking slot by this Thursday, April 28th, at 5 pm Pacific Time**.

We look forward to hearing from you during the Stakeholder Sessions.

-CPPA Staff

This e-mail message is intended only for the designated recipient(s) named above. The

This e-mail message is intended only for the designated recipient(s) named above. The information contained in this e-mail and any attachments may be confidential or legally privileged. If you are not the intended recipient, you may not review, retain, copy, redistribute or use this e-mail or any attachment for any purpose, or disclose all or any part of its contents. If you have received this e-mail in error, please immediately notify the sender by reply e-mail and permanently delete this e-mail and any attachments from your computer system.

Consumer Experiences with CCPA Rights

My name is Ginny Fahs and I lead Product R&D at Consumer Reports Digital Lab.

My group at Consumer Reports has conducted 3 research studies on CCPA data rights with over 800 consumers participating. Consumers have told us they “didn’t understand how much work [they] had to do,” that they’re “angry that these companies flout the law,” and that “it’s complicated, lots of links, not clear what to do.”

At a high level, consumers have a hard time with discovery of companies that have data, initiation of requests, and identity verification.

For understanding which companies might have data, data broker registries and authorized agents that help raise awareness of companies that may have consumer data can be helpful starting points

For initiating requests to businesses, clear privacy policies, user-friendly request submission flows in company portals, and enrolling in authorized agents that have experience sending requests has been helpful to consumers who participated in our research.

For identity verification, we know it’s vital to keeping consumer data safe – it prevents data from ending up in the wrong hands, and stops bad actors from tampering with accounts. However consumers still face problems with it. Identifiers are not usually stable; a minority of consumers have just one email address¹, and consumers’ names and residences change frequently. If data provided doesn’t exactly match a database, consumers can’t verify and requests get held up or rejected.

Documentation can be a barrier with identity verification. One California resident did not have access to a government ID with their current address. It took us several weeks to get the business to accept an alternative form of ID, and it’s unlikely that a consumer would be able to advocate for that need or navigate that interaction without help. Consumers weren’t always sure that verification emails were legitimate, they often went to spam. Also, consumers often need more time to verify. In one severe case, a data broker had policies that required clicking a verification link within 30 minutes of it being sent, did not provide consumers a warning as to when that link might be sent, and did not provide a clear mechanism for trying again.

Agents can also help with identity verification, for both consumers and covered businesses. A consumer who wants to send a dozen requests can now pass along some of the identity verification information to a single party (the agent) rather than doing so a dozen times for each covered business.

¹“How many email addresses do consumers have and why?” 2016.
<https://www.smartinsights.com/email-marketing/email-communications-strategy/many-email-addresses-consumers/>

When consumers' requests to access data were processed successfully, the data did help them make sense of what companies know about them. Some consumers in our research were confused or upset about the data they saw. Anthony was surprised that a data broker "knew all my siblings, where they lived and all my neighbors." That said, lots of consumer brands deliver back data that is unsurprising. One consumer who received his data back from Quora told us, "I volunteered the info, so no surprises."

Authorized agents are not a silver bullet, but can make things easier for consumers. "This is tedious repetitive work that I'd much rather delegate to a competent agent," one consumer said. Another told us that "having an agent would "be a nice service, if it worked."

Our research has shown that authorized agents face significant barriers when sending requests, just like consumers do. To start, businesses sometimes aren't prepared for agent requests. Privacy policies often don't have clear instructions for agents; companies' e-forms lack fields for agents. If a field says "First name," is it the consumer's or the agent's name? Furthermore, most identity verification doesn't account for agents. We've been asked security questions like "When was Consumer Reports born?" Customer support staff clearly hadn't received training on how to handle authorized agents in most cases.

What's more, agent processes for access requests were often inconsistent. Some businesses wanted to send data only to the data subject. Others sent data only to the agent. Across the board companies had a hard time communicating with agents effectively. Of the 208 requests we sent in our last study, we do not know the outcome of more than half of the requests because of lack of communication on the part of companies we sent requests to.

Finally, power of attorney was not an effective document for declaring the authorization of the agent. We were optimistic that consumers who signed a power of attorney authorizing us as their agent would have a satisfying and uncomplicated experience when sending a data access request to a business. This was rarely true.

Based on the experiences we've had working with consumers to submit requests, and serving as an authorized agent ourselves, we offer three recommendations:

First, specify a minimum time for consumer verification in regulation. We recommend that regulation includes a minimum window of five days for each step the consumer needs to take to verify identity during requests.

Second, allow consumers to specify who receives data for agent requests. There are reasons why a consumer might want an agent to receive data, or might want to receive data themselves. It follows then that the regulations should allow consumers to specify this.

Third, explore expanding the power of attorney authorization. The notion of a stringent "extra-authorization" is the most promising path forward we see for a secure and painless data rights experience for consumers. Since many data requests are administered digitally and involve information in all-digital modes, we need digital solutions that carry the weight of power of attorney.

Overall, the experience of submitting CCPA data rights requests to companies remains challenging for consumers. At the same time, businesses are improving their processes and competent authorized agents are on the rise. With the right adjustments from regulators, the consumer experience of CCPA will continue to improve. Thank you.