

**CALIFORNIA PRIVACY PROTECTION AGENCY BOARD**

2101 Arena Boulevard  
Sacramento, CA 95834



May 31, 2024

**INVITATION FOR PRELIMINARY COMMENTS ON PROPOSED RULEMAKING  
UNDER SENATE BILL 362.**

**Background**

On October 10, 2023, Governor Newsom signed Senate Bill 362 (SB 362) informally known as “the Delete Act,” into law.<sup>1</sup> Among other responsibilities, the law directs the California Privacy Protection Agency (Agency), to establish an “accessible deletion mechanism”<sup>2</sup> that allows consumers to request from registered data brokers the deletion of all non-exempt personal information related to the consumer through a single deletion request to the Agency. This one-stop-shop deletion mechanism will make it easier for Californians to exercise their privacy rights.

The Agency is seeking to build the Data Broker Delete Requests and Opt-Out Platform (DROP), which allows consumers to request from all data brokers the deletion of all personal information related to the consumer that is subject to the law through a single deletion request to the Agency, starting January 1, 2026. Beginning August 1, 2026, data brokers must access the online deletion mechanism once every 45-days to review consumer deletion requests and process those requests.

To implement the law, SB 362 authorized the Agency to adopt regulations, in accordance with the Administrative Procedure Act, that define and explain the system requirements.<sup>3</sup>

**Invitation for Comments**

In accordance with Government Code §§ 11346(b), and 11346.45, the Agency seeks input from stakeholders in developing regulations. The public is invited to submit comments related to any area on which the Agency has authority to adopt rules under SB 362. The Agency is particularly interested in receiving views and comments on the topics and questions provided below. However, stakeholders are not limited to providing comments in the areas identified by the Agency and may comment on any potential area for rulemaking. The tenor and substance of the topics and questions should not be taken as an indication that the Agency is predisposed to any particular views, positions, or actions.

Comments will assist the Agency in developing new regulations and achieving the law’s regulatory objectives in the most effective manner. The Agency invites stakeholders to propose specific language for new regulations and/or share important considerations in both the policy, technical, and consumer access arena. Commenters are encouraged to review the short [“Tips for Submitting Effective Comments”](#) guide for help formulating and submitting effective comments.

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<sup>1</sup> Civil Code, § 1798.99.80

<sup>2</sup> Civil Code, § 1798.99.86(a)

<sup>3</sup> Civil Code, § 1798.99.87(a)

This invitation for comments is not a proposed rulemaking action under Government Code § 11346. This invitation for comments is part of the Agency’s preliminary rulemaking activities under Government Code § 11346(b). The public will have the opportunity to provide additional comments on any proposed regulations or modifications when the Agency proceeds with a notice of proposed rulemaking action.

## **Topics for Public Comment**

The Delete Act directs the Agency to adopt regulations to implement and administer its provisions.<sup>4</sup> Below, the Agency has formulated topics and questions to assist interested parties in providing input on preliminary rulemaking. Commenters do not have to comment on every topic or question; commenters may also comment on topics not covered here.

### **1. Verifiable Consumer Requests**

The Delete Act requires the Agency to establish an accessible deletion mechanism that allows a consumer, through a “*verifiable consumer request*,” to request every data broker that maintains any non-exempt personal information about them to delete that personal information.<sup>5</sup>

- a. What should constitute a “*verifiable consumer request*”?<sup>6</sup>
- b. For data brokers, how does your company currently verify CCPA requests to delete? What information is necessary for the verification process? What challenges do you face in verifying consumers?
- c. For consumers, what has been your experience with submitting verifiable consumer requests under the CCPA to businesses, including data brokers? Are there verification processes that you have preferred over others?

### **2. Privacy-protecting**

The Delete Act requires the Agency to determine “*one or more privacy-protecting ways*” by which a consumer can securely submit information to aid in a deletion request using the accessible deletion mechanism.<sup>7</sup>

- a. How should a consumer securely submit information in a “*privacy-protecting way*”?<sup>8</sup>
- b. In what privacy-protecting ways can data brokers determine whether an individual has submitted a deletion request to the Agency?

### **3. Status of Request**

The Delete Act requires the accessible deletion mechanism to allow the consumer, or their authorized agent, “to verify the status of the consumer’s deletion request.”<sup>9</sup>

- a. What information should be included in the “*status of the consumer’s deletion request*”?<sup>10</sup>

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<sup>4</sup> Civil Code, § 1798.99.87(a)

<sup>5</sup> Civil Code, § 1798.99.86(a)(2)

<sup>6</sup> Civil Code, § 1798.99.86(a)(2)

<sup>7</sup> Civil Code, § 1798.99.86(b)(2)

<sup>8</sup> Civil Code, § 1798.99.86(b)(2)

<sup>9</sup> Civil Code, § 1798.99.86(b)(9)

<sup>10</sup> Civil Code, § 1798.99.86(b)(9)

- b. For consumers, what are your preferred ways to verify the status of your request? (i.e., settings within the deletion mechanism, email, platform interface, etc.)?
- c. For businesses, do you currently allow consumers to verify the status of their CCPA privacy requests? How so? What are your preferred ways to allow consumers to verify the status of their CCPA privacy requests? Why?

#### **4. Consumer Experience**

The Delete Act requires the accessible deletion mechanism to allow a consumer, “*through a single verifiable consumer request,*” to request that every data broker that any personal information delete any personal information related to that data broker or associated service provider or contractor.<sup>11</sup>

- a. What should the Agency consider with respect to the consumer experience?
- b. How can the Agency ensure that every Californian can easily exercise their right to delete and right to opt-out of sale and sharing of their personal information via the accessible deletion mechanism?

#### **5. Additional Comments**

Please provide any additional comments you may have in relation to the accessible deletion mechanism.

### **Time for Comments**

The Agency invites interested parties to submit comments by Tuesday, June 25, 2024, by emailing [databrokers@cpha.ca.gov](mailto:databrokers@cpha.ca.gov). On Wednesday, June 26, 2024, the Agency will hold an [online stakeholder session](#) from 10 a.m. until 2 p.m. PDT to hear public comment.

### **Where to Submit Comments**

You may submit comments by the following means:

Electronic:

Comments may be submitted electronically to [databrokers@cpha.ca.gov](mailto:databrokers@cpha.ca.gov). Please include “**Preliminary Comment DROP 06-24**” in the subject line.

Mail:

California Privacy Protection Agency  
Attn: Data Broker Unit  
2101 Arena Blvd  
Sacramento, CA 95834

### **Contact Person**

Questions regarding this Invitation for Comments may be directed to the Data Broker Unit at [databrokers@cpha.ca.gov](mailto:databrokers@cpha.ca.gov).

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<sup>11</sup> Civil Code, § 1798.99.86(a)(2)

## **Further Information**

Information regarding the rulemaking process will be posted to this [web page](#). If you would like to receive notifications regarding rulemaking activities, please subscribe to the “Rulemaking Proceedings” email list [here](#) and for the data broker unit list by emailing [databrokers@cpha.ca.gov](mailto:databrokers@cpha.ca.gov) with “subscribe to list” in the subject line. Please note that comments are public records and will be published on the Agency's website.