Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
ARTICLE 1. GENERAL PROVISIONS				
§ 7001. Definitions				
- **Comments about definitions not included**				
1.	Comment suggests adding a definition for "Alternative Opt-Out Link" and capitalizing the term throughout the regulations.	Accept. The proposed regulation has been modified to include a definition for "Alternative Opt-Out Link." *See* § 7001(b). This term has also been capitalized throughout the regulations.	W90-15	0983
2.	Comment suggests clarifying the meaning of "third parties," as it remains undefined compared to the term "service providers."	No change has been made in response to this comment. Civ. Code § 1798.140(ai) defines the term "third party."	W11-41 W11-47	0151 0152
3.	Comment suggests that hashed personal information should still be treated as personal information. Businesses and service providers should not be able to avoid responding to CCPA requests because they only store hash values of personal information.	No change has been made in response to this comment. The statutory definition of "personal information" includes any information that is reasonably capable of being associated with a particular consumer or household." *See* Civ. Code § 1798.140(v). Hashed information may be "personal information," but this is ultimately a fact-specific and contextual determination. Similarly, whether a business is required to respond to a request to know with hashed personal information is a fact-specific and contextual determination. *See* Civ. Code § 1798.145(j).	W19-1 W19-4 W19-5	0197-0198 0198 0198
4.	Comment recommends defining the term "precise geolocation" with specificity. Comment suggests adopting the same definition as the Network Advertising Initiative: "Precise geolocation" means identifying a consumer with more precision than longitude and latitude with two decimal places, or within the area of a circle with a radius of less than 500 meters with an accuracy of 68% or more.	No change has been made in response to this comment. The term "precise geolocation" is defined in Civ. Code § 1798.140(w). Further analysis is required to determine whether a regulation on this issue is necessary.	W102-1	1079
5.	Comments suggest defining the term "explicit consent" because §§ 7002(a) and 7002(b)(1)-(b)(4) repeatedly use it, and it should be defined to differ from "consent."	No change has been made in response to this comment. The Agency has modified the regulation and removed "explicit" in § 7002, and thus, this comment is now moot. In addition, "consent" is defined in Civ. Code § 1798.140(h).	W20-13 W97-1	0208 1059-1060

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
6.	Comment requests that a definition of "detailed explanation" as used in § 7022(f) be added to § 7001.	No change has been made in response to this comment. The regulation is reasonably clear based on the plain meaning of the words. The Agency has determined no further clarification is needed at this time.	W79-1 W79-2	0869, 0871 0869-0870
– **§ 7001(c)**				
7.	Section 7001(c) removed the requirement that an authorized agent be registered with the Secretary of State and so businesses need to respond to authorized agents not registered with the Secretary of State. This is a cost that should have been addressed in a SRIA.	No change has been made in response to this comment. For the purposes of its economic analysis the Agency looked to the legal environment that consists of existing California Law as well as other relevant privacy obligations to comprise the baseline economic conditions for the proposed regulations. The analysis contemplated whether the regulation created obligations not found in existing law. A SRIA addresses economic impacts caused by the proposed regulation and should not include the baseline costs associated with existing law or regulations. Existing law requires businesses the register with the Secretary of State. Thus, eliminating the requirement in § 7001(c) does not add to an existing statutory requirement and there is no regulatory cost to address in a SRIA.	W9-3 W13-3	0043 0158
8.	Comments suggest reinstating the registration requirement to the definition of "authorized agent." Removing the language requiring authorized agents to be "registered with the Secretary of State to conduct business in California" will harm consumers because the requirement helps hold authorized agents accountable and protects consumers from fraud. The revision would make compliance more onerous due to the high volume of requests and the inability to confirm an agent's legitimacy.	No change has been made in response to these comments about § 7001(c), now § 7001(d). The Agency has revised this provision because businesses have misinterpreted this language to mean that there is a special registry with the Attorney General's Office for authorized agents. This is not the case. Further, the Agency disagrees with the claim that this change will harm consumers in California. Removing the language in the definition that references the Secretary of State clears up the confusion and clarifies that no CCPA-specific registry exists. *See* ISOR, p.4.	W9-3 W11-52 W18-4 W20-8 W24-4 W52-28 W52-32 W52-52 W97-2	0043 0153 0192-0193 0207 0231 0534 0534 0546-0547 1060
9.	Comment recommends expanding the regulations to impose more obligations for	No change has been made in response to this comment, about § 7001(c), now § 7001(d). The regulations implement the CCPA's	W20-7 W52-52	0207 0546-0547

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	authorized agents to provide proof that they are in fact authorized and are acting legitimately on behalf of individuals in order to decrease spamming and fraudulent requests. Another comment suggests permitting businesses to impose more stringent security safeguards on requests from authorized agents.	intent to ensure consumers can easily exercise their privacy rights by placing minimal barriers on a consumer's ability to use authorized agents, while providing businesses the ability to deny a request if the agent does not provide the consumer's signed permission. *See* Prop. 24, § 3(A)(4) and Civ. Code §§ 7063(a), 7026(i), 7027(i). The comment's proposed modifications requiring authorized agents to provide proof that they are authorized and are acting legitimately on behalf of individuals would unnecessarily burden consumers' ability to use authorized agents. The comment's suggestion regarding more stringent security safeguards does not provide sufficient specificity to the Agency to make any modifications to the text.		
10.	Comment supports the revised definition of "authorized agent" because global businesses may not be registered in a particular state or country. The modified definition gives consumers more choices as to who can act on their behalf.	No change has been made in response to this comment about § 7001(c), now § 7001(d). The comment misinterprets the regulation. The Agency has revised this provision because businesses have misinterpreted this language to mean that there is a special registry with the Attorney General's Office for authorized agents. This does not mean that businesses are exempt from registering with the Secretary of State.	W32-3	0348
11.	Comment supports the deletion of the registration requirement from the definition of "authorized agent" because the previous requirement was contrary to the letter and spirit of the statute.	No change has been made in response to this comment, about § 7001(c), now § 7001(d). The deletion is necessary because businesses have misinterpreted this language to mean that there is a special registry with the Attorney General's Office for authorized agents. Removing the language in the definition that references the Secretary of State clears up the confusion. *See* ISOR, p.4.	W90-10	0975
12.	Comment suggests that businesses' misunderstanding that there is a special registry with the Attorney General's Office for authorized agents could instead be addressed by clarifying the definition. Comment proposes adding back the	No change has been made in response to this comment, about § 7001(c), now § 7001(d). The comment's proposed change is not as effective and not less burdensome to consumers and businesses than the proposed regulation. Removing the registration language clears up such confusion while the proposed alternative remains open to the misinterpretation that a CCPA-specific registry exists. *See* ISOR, p.4.	W18-4	0192-0193

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	requirement that a business must be registered with the Secretary of State.			
– **§ 7001(g)**				
13.	Comment suggests correcting the definition of "COPPA" under § 7001(g) because it is incorrectly cited.	Accept. The proposed regulation, now § 7001(h), was modified so that the definition of COPPA now cites to "15 U.S.C. sections 6501 to 6506 and 16 Code of Federal Regulations part 312."	W47-4	0484
– **§ 7001(h)**				
14.	Comment suggests eliminating the balancing test entirely in the definition of "disproportionate effort" because it is unclear and invites invasions of privacy. Instead, the proposed standard should be based on whether the business's effort in responding to an access or correction request outweighs the reasonably foreseeable impact to the consumer in not responding, taking into account the time and costs likely to be incurred by the business in responding, the size and revenue of the business, and the purposes for which the information is maintained by the business.	Accept in part. The definition of "disproportionate effort," now § 7001(i), has been modified to substitute the "consumer benefits" test for a "reasonably foreseeable impact to the consumer" test and to include factors for businesses to consider when deciding whether to claim "disproportionate effort" in response to a customer request. The Agency disagrees with that the reasoning in comment regarding the definition being clear or inviting invasions of privacy. The necessity for the modifications is explained in the FSOR. *See* FSOR, pp. 1-2.	W78-1	0850-0851
15.	The "adequate processes and procedures" requirement creates uncertainty about the adequacy of common CCPA compliance practices. Comments suggest defining or deleting "adequate" or clarifying that even for businesses without "adequate processes or procedures" to comply with consumer requests, the request might still require disproportionate effort.	Accept in part. The definition of "disproportionate effort," now § 7001(i), has been modified to clarify that the "adequate processes and procedures" are for "receiving and processing" the CCPA requests as opposed to "comply[ing] with" the CCPA requests. The "adequate processes and procedures" requirement clarifies that a business cannot claim disproportionate effort simply because they do not have the necessary processes and procedures for responding to consumer requests. The Agency has determined that this regulation balances businesses' ability to deny a request if compliance is impossible or would require disproportionate effort	W59-4 W78-2 W84-1	0610 0850-0851 0915

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		with the danger of businesses abusing this exception by simply stating it is impossible or involves disproportionate effort. *See* ISOR, p. 4.		
16.	Comment recommends revising the definition of "disproportionate effort" to reflect situations where a business de-identifies consumers' information after initial use.	No change has been made in response to this comment about § 7001(h), now § 7001(i). The definition of "deidentified" is set forth in Civil Code § 1798.140(m). The comment's proposed definition is inconsistent with the statute's definition. The CCPA already exempts information that is not "personal information" and allows businesses to deny consumer requests for information that is deidentified or processed and used only in aggregate. *See* Civ. Code §§ 1798.140(v)(3); 1798.145(a)(6).	W20-9	0207-0208
17.	Comment requests including "security purposes" to the definition of "disproportionate effort" as a reason why personal information may be maintained by a business but may require disproportionate effort to be provided to the consumer. Another comment supports examples of "disproportionate effort" in proposed regulations but recommends adding an additional example of any requested data that is "no longer accessible without creating a significant cybersecurity risk."	No change has been made in response to this comment about § 7001(h), now § 7001(i). The examples provided are not comprehensive and businesses responding to a consumer request must still demonstrate that the time and/or resources expended to respond to the individualized request would significantly outweigh the reasonably foreseeable impact to the consumer. Comment's proposed change to include "security purpose" is overly broad such that businesses could use this language in a manner that would not further the purpose and intent of the CCPA.	W24-5 W53-6	0231 0562
18.	Comment suggests removing "significantly" in the definition of "disproportionate effort" from the sentence "the business would have to demonstrate that the time and/or resources needed to correct the information would be significantly higher than that material impact on the consumer."	No change has been made in response to this comment. The Agency has deleted this sentence in § 7001(h), now § 7001(i), in response to other comments. *See* Response # 14.	W24-5	0231

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
19.	Comments claim that the definition of "disproportionate effort" creates new burdens, and subjective, hard to quantify measures for businesses to determine the impact and benefits to consumers. Comments suggest that the Agency should add more descriptive text to the definition and specifically allow for a safe harbor for businesses who create and apply reasonable processes. Other comments recommend the Agency providing additional clarity in how to effectively balance businesses conditions to make the proper compliance decisions. One comment recommends setting floors on the minimum amount of effort that can be claimed to be disproportionate to a consumer's benefit and contends that a floor may not be the same for sensitive data as for non-sensitive data. Comment also recommends the use of an input mechanism for a consumer to understand the business's interpretation of the benefit to them and to add additional information if needed.	No change has been made in response to these comments. The Agency has modified § 7001(h), now § 7001(i), in response to other comments. *See* Response # 14. The "consumer benefits" test has been replaced by a "reasonably foreseeable impact to the consumer" test and includes factors for businesses to consider when deciding whether to claim "disproportionate effort" in response to a customer request. *See* FSOR, pp. 1-2. The regulation provides general guidance and flexibility that is meant to apply to a wide-range of factual situations and across different industries. The recommendation to establish a safe harbor does not further the purpose of the CCPA because it exposes the regulation to abuse.	W32-4 W34-5 W34-8 W62-13 W62-14 W62-15 W97-3	0348 0367-0368 0368 0663-0664 0664 0664 1060
20.	Comments state that because the "consumer benefit" test is a subjective measure to determine impact to the consumer, businesses must provide detailed explanations when responding to consumer requests. This level of detailed information can be confusing to consumers	No change has been made in response to these comments. The Agency has modified § 7001(h), now § 7001(i), in response to other comments. *See* Response # 14. The modified "reasonably foreseeable impact to the consumer" test includes factors for businesses to consider in evaluating whether responding to a consumer request would require disproportionate effort, which will also help businesses explain their decisions to consumers. The	W34-6 W34-7	0368 0368

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	and may force businesses to disclose trade secrets.	comment does not demonstrate that explaining to consumers why a business determines that responding to a request would require disproportionate effort is a trade secret pursuant to Civil Code § 3426.1, which requires, among other things, a showing that the information asserted to be a "trade secret" "[d]erives independent economic value ... from not being generally known to the public" and "[i]s the subject of efforts that are reasonable under the circumstances to maintain its secrecy[.]" The comment does not make either showing with respect to its evaluation of disproportionate effort. Nor does the comment provide evidence that disclosure of its decision would result in competitive harm. Thus, any potential competitive harm is speculative, and in any case, the potential for harm is further mitigated because all similarly situated competitors in California will be bound by the same responding requirements.		
21.	Comments suggest requiring the consumer to provide credible evidence to demonstrate the benefit provided to the consumer and that businesses need not consider any consumer benefit that is not documented by credible evidence or is obviously pretextual because businesses rarely know what benefits consumers will derive, and consumers' self-reports of their purported benefits are unreliable.	No change has been made in response to these comments about § 7001(h), now § 7001(i). The Agency has modified the regulation in response to other comments, and thus, this comment is now moot. *See* Response # 14.	W59-2 W59-3 W59-5 W59-6	0610 0610 0610 0610
22.	Comment states that it remains unclear what happens if a business informs a consumer that their request will not be fulfilled because the effort to the business is disproportionate to the benefit they will receive, and the consumer disagrees with that assessment by the business.	No change has been made in response to this comment about § 7001(h), now § 7001(i). The Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on this issue is necessary. Moreover, this subsection already specifies that a business that has failed to put in place	W62-16	0664

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		procedures to comply with consumer requests cannot claim that responding to a request requires disproportionate effort.		
23.	Comment recommends removing "significantly" in the requirement that the time and/or resources expended by a business responding to a consumer request "significantly outweighs" the benefit provided to the consumer.	No change has been made in response to this comment about § 7001(h), now § 7001(i). In drafting these regulations, the Agency has considered the burden to businesses and determined that the benefits to consumers and their ability to exercise their rights outweighs the burden. "Significantly" is necessary because it provides direction to businesses on how to weigh various factors when deciding whether to claim "disproportionate effort" in response to a customer request, and it prevents businesses from abusing this exception by claiming that everything requires disproportionate effort on their part. *See* ISOR, p. 4. The time and/or resources expended to respond to the individualized request "significantly outweighs the reasonably foreseeable impact to the consumer by not responding" means it cannot be a slight inconvenience to the business.	W59-1	0610
– **§ 7001(j)**				
24.	Comments recommend clarifying the meaning of "employment related information" and exempting this type of data from certain CPRA requirements, taking into consideration the CCPA exemption that expires in 2023.	No change has been made in response to these comments. The Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on this issue is necessary.	W57-8 W82-13	0593 0898
25.	The Agency should clarify the definition for and provide examples of "professional or employment-related information" under Civ. Code § 1798.140(v)(1)(I) and § 7001(j) to align with employee and employer expectations, and other employment laws,	No change has been made in response to this comment. The definitions in the CPRA provide meanings that may be easily understood by those persons directly affected by them; consequently, the Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the	W24-3	0229-0230

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	such as the Division of Labor Standards definition of "personnel records."	law. Further analysis is required to determine whether a regulation on this issue is necessary.		
– **Deleted § 7001(k)**				
26.	Comment supports the removal of the definition of "household" in § 7001(k).	The Agency appreciates this comment in support. No change has been made in response to this comment.	W32-5	0349
27.	Comment objects to the removal of § 7001(k)'s "household" definition and requests clarification that businesses may make reasonable determinations regarding whether a device is shared. Comment requests that a business may treat a user's data as individual personal information, rather than household data, for purposes of rights requests when business can reasonably identify the individual that is using a shared device.	No change has been made in response to this comment. The definition of "household" has been deleted because the CCPA now defines "household" as "a group, however identified, of consumers who cohabitate with one another at the same residential address and share use of common devices or services." Civ. Code § 1798.140(q). The definitions in the CPRA provide meanings that may be easily understood by those persons directly affected by them. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope. As to whether a device is shared, the Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on this issue is necessary.	W51-1 W51-2	0508 0508-0509
28.	Comment suggests that regulations clarify that in the context of the definition of "household," "however identified" means however identified by a business, whether as sharing a group account, a unique identifier, or otherwise. The statutory definition currently omits the requirement of a group account or unique identifier.	No change has been made in response to this comment. The Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on this issue is necessary.	W97-4	1060
29.	Comment recommends modifying the definition of "financial incentives" to change the last sentence in the definition, "[p]rice or service differences are types of	No change has been made in response to this comment about § 7001(k), now § 7001*(l)*. The definitions of the terms "financial incentive" and "price or service difference" stating that the offering or difference in price or service is related to the collection,	W20-10 W24-6	0208 0231

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	financial incentives," so that when a business legitimately differentiates the pricing for its services, it doesn't fall under this definition.	retention, or sale of personal information, is in furtherance of and as consistent with the CCPA's framework in Civ. Code § 1798.125. Therefore, if an incentive or difference is not related to the collection, retention, or sale of personal information, it is not a "financial incentive" or "price or service difference" as those terms are used in the regulations. Whether a business's differentiation in pricing constitutes a "financial incentive" or "price or service difference" is a fact-specific and contextual determination.		
– **§ 7001(*l*)**				
30.	Comment suggests that for purposes of acknowledging situations where more than one business may be consumer-facing and a first party, revise the definition of "first party" to change "business" to "business(s)."	Accept in part. Section 7001*(l)*, now § 7001(m), has been modified to use "a" instead of "the" to reflect that it is possible to have more than one consumer-facing business. The comment's proposed alternative of "business(s)" is open to grammatical misinterpretation, and therefore was not used.	W84-2	0916
31.	Comments claim that the definition of "first-party" is inappropriate, subjective and speculative, and will cause confusion in assessment contexts because some service providers interact directly with consumers who do not know who is responsible for facilitating transactions. Comments suggest that the definition should include consumer-facing businesses with which the consumer should reasonably foresee interacting with as a result or focus on the formal role of the covered business as the controller of personal data and require that delegations of responsibilities to service providers be covered in contracts.	No change has been made in response to this comment about § 7001*(l)*, now § 7001(m). The purpose of defining the term "first party" is to provide clarity to the regulations, as the CCPA and the regulations cover various parties with different types of relationships to the consumer and to each other. The use of the shortened phrase "first party" also makes the regulations more readable, and thus, easier for consumers and businesses to understand. *See* ISOR, p. 4. The comment's proposed change to include consumer-facing businesses with which the consumer should reasonably foresee interacting with is already included in the proposed regulation, which includes the language "with which the consumer intends and expects to interact."	W20-11 W34-10 W97-5	0208 0368-0369 1060

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
– **§ 7001(m)**				
32.	Comment supports proposed definition of "frictionless manner."	The Agency appreciates this comment of support about § 7001(m), now § 7001(n). No change has been made in response to this comment.	W90-11	0976
– **§ 7001(r)**				
33.	Comment requests more clarification and confirmation that a "do not track" signal is not sufficient to be considered a request to opt-out of data selling and sharing.	No change has been made in response to this comment about § 7001(r), now § 7001(u). The regulations do not prescribe a particular mechanism or technology but rather are technology neutral in support of innovation in privacy services that facilitate consumers' exercise of their right to opt-out. If a business chooses to treat a "do not track" signal as a useful proxy for communicating a consumer's privacy choices to businesses and third parties, the regulations do not prohibit this mechanism. To implement the purpose and intent of the CCPA, opt-out requests must be specific, and businesses must implement mechanisms to receive and respond to them. Proposed regulation § 7025(b) specifies that a "business shall process any opt-out preference signal" that meets the listed requirements as a valid request to opt-out of sale/sharing.	W35-4	0371
– **§ 7001(v)**				
34.	Comment suggests adding "any" to definition of "request to delete."	No change has been made in response to this comment about § 7001(v), now § 7001(y). The regulation is reasonably clear. This proposed modification is not necessary.	W2-4	0008
– **§ 7001(y)**				
35.	Comment recommends including an illustrative example of what type of action sufficiently demonstrates that "the consumer has consented to sale or sharing of personal information about the consumer by a parent or guardian of a consumer less than 13 years of age or by a	No change has been made in response to this comment about § 7001(y), now § 7001(bb). The Agency does not believe it is necessary to provide additional examples at this time. Section 7070 provides a list of methods that are reasonably calculated to ensure that the person providing consent is the child's parent or guardian.	W60-2	0623-0624

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	consumer at least 13 years of age" in the definition of "request to opt-in to sale/sharing."			
– **§ 7001(bb)**				
36.	Comment suggests adding "any" to the definition of "right to delete" because such a discrepancy could result in businesses attempting to make a good faith argument to use this provision as a basis for not deleting certain information.	Accept in part. "Any" has been added to the definition of "right to delete" to conform the definition to the language of the statute. *See* Civ. Code § 1798.105(a).	W2-5	0008
– **§ 7001(hh)**				
37.	Comment recommends modifying definition of "unstructured" to remove examples of "text, video files, and audio files," as they do not appear to be accurate in every case.	Accept in part. The proposed regulation, now § 7001(kk), has been modified to clarify the definition of unstructured data. The proposed alternative to delete the text without further clarification would not provide sufficient guidance to businesses and consumers about what constitutes "unstructured."	W18-1	0189-0190
38.	Comment recommends adopting Wikipedia's definition of "unstructured" because the current definition is incomplete and incorrect. The definition says that information in a text file is unstructured, however comment suggests that an XML file is a text file and is structured.	No change has been made in response to this comment about § 7001(hh), now § 7001(kk). The regulation has been modified, and thus, this comment is moot. *See* Response # 37.	W102-2	1079
– **§ 7001(jj)**				
39.	Comment suggests modifying the definition of "verify" to include requests to limit.	No change has been made in response to this comment about § 7001(jj), now § 7001(mm). Civil Code § 1798.121 does not require that a request to limit be verifiable. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W51-9	0513-0514

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
§ 7002. Restrictions on the Collection and Use of Personal Information				
– **Comments generally about § 7002**				
40.	Comments express support for § 7002's requirements, including the use of a proportionality principle, a consumer expectation standard, the illustrative examples, and/or clarification of the statutory language.	The Agency appreciates this comment of support. No change has been made in response to this comment. The Agency has modified § 7002 to include factors for businesses to consider when determining the reasonable expectations of a consumer, whether another disclosed purpose is compatible with the context in which the personal information was collected, and whether a given processing activity is reasonably necessary and proportionate to achieve a purpose. These modifications retain the reasonable expectations standard, provide examples for each factor, and clarify each portion of the statutory requirement in Civil Code § 1798.100(c).	W23-5 W62-1 W62-2 W62-3 W90-2 O27-3	0222-0224 0658 0658-0659 0659 0971 D2 25:16-26:3
41.	Comments appear to support § 7002's requirements because they are similar to Internet Safety Labs' (ISL) own criteria for the legal bases for data processing and using personal information for inconsistent purposes.	The Agency appreciates this comment of support. No change has been made in response to this comment. The Agency makes no statement regarding the ISL framework. The Agency has modified § 7002 to include factors for businesses to consider when determining the reasonable expectations of a consumer, whether another disclosed purpose is compatible with the context in which the personal information was collected, and whether a given processing activity is reasonably necessary and proportionate.	W58-7 W58-10	0602-0603 0603
42.	Comment expresses support for proportionality requirement in proposed regulations for data collection and use, such as the flashlight example in § 7002(b). Comment appears to request that Agency also draw regulations that would make clear that connected car companies that track geolocation and other information cannot use or sell data beyond a legitimate operational use, and states that a car company that uses location data for	The Agency appreciates this comment of support. No change has been made in response to this comment. The Agency has modified § 7002 to include factors for businesses to consider when determining the reasonable expectations of a consumer, whether another disclosed purpose is compatible with the context in which the personal information was collected, and whether a given processing activity is reasonably necessary and proportionate to achieve a purpose. These modifications also provide examples that illustrate how to comply with the requirement. Whether a business's use of geolocation information or other personal information complies with § 7002 is a fact-specific determination.	W92-1	1048

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	emergency services should not use geolocation for purposes unrelated to safety.			
43.	Comment appears to partially support § 7002's proportionality requirement for personal information collection. Comment requests another example be added to the proposed regulations to illustrate that the deeper the relationship that a user forms with a business, the more data collection and processing that is expected.	The Agency appreciates this comment of support. No change has been made in response to this comment. The Agency makes no statement regarding the ISL framework. As explained in the FSOR, the Agency has modified § 7002 to include factors for businesses to consider when determining the reasonable expectations of a consumer. *See* FSOR, pp. 3-6. The reasonable expectations standard is based in part on the relationship between the business and the consumer. Section 7002(b)(1) provides examples concerning when a consumer may or may not expect a business's processing of the consumer's personal information based on the consumer's relationship with the business. The reasonable expectations standard is also based on four additional factors, such as the type, nature, and amount of personal information that the business seeks to collect or process. This is a fact-specific assessment for businesses.	W58-13 W58-14	0603 0604
44.	Section 7002's rules that constrain secondary use beyond reasonable consumer expectations is largely consistent with Consumer Reports and Electronic Privacy Information Center's guidance for implementing a data minimization framework under Section 5 of the FTC Act. Comment notes that the example provided in § 7002(b)(3) implies that data sharing — including sharing for advertising purposes — that is not directly related to providing the good or service requested by a consumer is per se illegal.	No change has been made in response to this comment. The comment appears to support § 7002's consumer expectations requirements. In addition, portions of this comment are now moot due to modifications made to § 7002, such as the deletion of the specific example in § 7002(b)(3). Under the modified regulations, businesses must comply with the requirements in § 7002(b) or (c), or otherwise obtain consent under § 7002(e). Regardless of whether the business chooses to comply with § 7002(b), (c), or (e), the business must comply with the requirements of § 7002(d). Whether a business's sharing of personal information complies with these requirements is a fact-specific determination.	W83-40	0912

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
45.	Comment requests that the Agency interpret the compatibility requirement as strictly as possible, because businesses will include blanket statements in their privacy policies stating that the information they collect from their users can be used any number of ways.	No change has been made in response to this comment. As explained in the FSOR, the Agency has modified § 7002 to include factors for businesses to consider when determining whether a given processing activity is compatible with the context in which the personal information was collected. *See* FSOR, pp. 6-8. In addition, for any disclosed purpose that is compatible with the context in which the personal information was collected, the business's processing of the personal information to achieve that purpose must be reasonably necessary and proportionate, based on the factors listed in § 7002(d). This approach addresses the concern in the comment that businesses will process information based on blanket statements in their privacy policies, because § 7002(c) and (d)'s compatibility and reasonable necessity and proportionality requirements are based on the link between a disclosed purpose and consumers' reasonable expectations, the minimum personal information necessary to achieve that purpose, and safeguards that address possible negative impacts on consumers. A blanket statement in a privacy policy is insufficient to meet the requirements under § 7002(c) and (d).	W90-3 O27-3	0971 D2 25:16-26:3
46.	Section 7002 should include language requiring businesses, service providers, and third parties to honor withdrawal of consent at any time, similar to the standard under the GDPR, in Connecticut, and under the proposed ADPPA.	No change has been made in response to this comment. Consent must be freely given, specific, informed, and an unambiguous indication of the consumer's wishes under Civ. Code § 1798.140(h). When a consumer withdraws consent, the requisite elements of consent under CCPA are no longer met. Accordingly, when consumers withdraw consent, businesses can no longer rely on the consumer's consent to collect or process their personal information. Further analysis is required to determine whether a regulation on this issue is necessary.	W27-7 O7-5	0259-0260 D1 26:10-26:16
47.	Comment states that regulations should enhance the consumer experience by aligning with the principle of data minimization and should avoid	No change has been made in response to this comment. Section 7002 is consistent with the principles of data minimization. For the reasons set forth in the ISOR, the Agency determined that § 7002 reflects the principle in the CPRA that businesses should only	W52-2	0526

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	requirements that could result in businesses collecting or retaining more personal information than they otherwise would.	collect consumer's personal information for "specific, explicit, and legitimate disclosed purposes" and not for reasons incompatible with those purposes. *See* ISOR, pp. 7-9. In addition, the Agency has modified § 7002 to include factors for businesses to consider when determining whether a given processing activity is reasonably necessary and proportionate to achieve a purpose, including the minimum personal information that is necessary to achieve that purpose.		
48.	Comments contest statutory basis for § 7002. Comments argue that the CCPA permits personal information collection, use, retention, sale, and sharing for additional incompatible purposes if the business notifies the consumer of the additional purposes. Comments further argue that the Agency has read out of the law the role of notice and the secondary use standard in in Civil Code § 1798.100, and that there is no statutory basis for requiring a business to obtain a consumer's consent when processing personal information for incompatible purposes. Lastly, comments argue that the CPRA does not require or reference "average consumer expectations" to determine compatibility of collection, use, and sharing, and that the consumer expectations standard conflicts with the plain meaning of the "reasonably necessary and proportionate" requirement of the CPRA and the opt-out requirements for sale and sharing and limiting the use or	No change has been made in response to this comment. The CCPA provides the Agency with the authority to adopt regulations to further the purposes of the CCPA, which include: providing consumers with the ability to control their personal information; placing consumers on a more equal footing with businesses when negotiating with businesses to protect their rights and over how businesses use their personal information; limiting businesses' collection of personal information to specific, explicit, and legitimate disclosed purposes; and prohibiting collection, use, or disclosure of consumers' personal information for reasons incompatible with those purposes. *See*, *e.g.*, Civ. Code §§ 1798.185(a)(10), (a)(22), (b). As explained in the FSOR, § 7002 explains how a business must comply with each statutory requirement within Civ. Code § 1798.100(c) and furthers the intent and purposes of CCPA. *See* FSOR, p. 3-11. Portions of the comments are moot because the regulation has been revised to delete the words "explicit" and "average," and to further clarify how businesses must comply with each statutory requirement within Civil Code § 1798.100(c). Moreover, the comments propose an interpretation of the CCPA that is inconsistent with the language, structure, and intent of the CCPA. A notice-only requirement does not comply with the statutory requirements of Civil Code § 1798.100(c), which requires a disclosed purpose to be "compatible with the context in which it was collected, and not	W11-4 W14-1 W18-9 W25-2 W28-3 W28-4 W28-5 W30-1 W33-3 W39-1 W39-2 W43-1 W44-4 W44-6 W50-2 W50-3 W52-21 W63-1 W68-11 W68-12 W69-12 W69-13 W69-14 W72-2	0143-0144 0162-0163 0195 0240 0275 0275-0276 0275-0276 0330 0354-0355 0406 0406 0436 0450-0451 0450 0498-0499 0498-0499 0532 0676-0677 0748-0749 0749-0750 0765 0765-0766 0766 0798-0799

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	disclosure of sensitive personal information in the statute. Comments suggest that the Agency delete § 7002 or revise this section to remove the consumer expectations standard and use a notice-based standard. One comment suggests a notice and 30-day opt-out standard. Another comment suggests revisions so that opt-out consent satisfies consent obligations where consumers have the right to opt out of the activity.	further processed in a manner that is incompatible with those purposes." There is no notice-at-collection exception to this requirement. For processing that does not meet the requirements of § 7002(a), consent (which must be a "freely given, specific, informed, and unambiguous indication of the consumer's wishes") is the appropriate mechanism to render that processing compatible, because consent ensures that consumers reasonably expect and agree to the processing. Although a new notice at collection is required under Civil Code § 1798.100(a), it is insufficient by itself to comply with Civil Code § 1798.100(c)'s statutory requirements for collection and processing. To comply with Civil Code § 1798.100(c)'s requirements, businesses must comply with § 7002. Also, the use of a notice-based standard is not more effective in furthering the intent and purposes of CCPA. As detailed further in the FSOR, notices are insufficient tools by themselves to provide consumers with an understanding of and control over the purposes of collection and processing of their personal information. *See* FSOR, p. 10. Lastly, § 7002 does not conflict with the CCPA's opt-out requirements for sale and sharing and limiting the use and disclosure of sensitive personal information. Section 7002 clarifies how businesses must comply with each of the statutory requirements in Civil Code § 1798.100(c) when it collects, uses, retains, and/or shares personal information. If the business does so, the business must still provide an opt-out for sale and sharing or a limitation on the use and disclosure of sensitive personal information when required by CCPA.	W72-3 W75-5 W78-3 W80-1 W84-4 W86-3 W89-13 O10-2	0799 0815-0817 0852-0853 0874 0917 0938 0955-0956 D1 33:23-34:10
49.	Comments contest the Agency's authority to issue rules for § 7002's "average consumer" standard, or for the requirement for consent for any processing that is incompatible or unrelated to the purpose(s) for which personal information	No change has been made in response to this comment. Civil Code § 1798.185(a) and (b) provides the Agency with authority to adopt additional regulations as necessary to further the purposes of CCPA. As set forth in the FSOR, § 7002 is consistent with CCPA, is necessary to clarify how businesses must comply with Civil Code § 1798.100(c), and further the purposes of CCPA, including to	W18-9 W33-5 W33-6 W33-7 W63-1 W63-4	0195 0355 0356 0356 0676-0677 0679-0680

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	was collected or processed. Comments state that this is inconsistent with CCPA and enlarges its scope. Comments also state that it is unclear why consent would be needed when § 7002(c) requires a new notice at collection for such data uses, and that notice is appropriate in these instances and would permit consumers to choose whether to engage with a business. Comment also states that the Agency relies on Civil Code § 1798.185(a)(10) to promulgate rules for § 7002 but that there is no text in this section that provides the Agency with authority to regulate methods of collection; rather, it gives the Agency authority to delineate specific business purposes in addition to those in Cal. Civil Code § 1798.140(e).	ensure that consumers "control the use of their personal information" and that businesses should only collect consumer's personal information for "specific, explicit, and legitimate disclosed purposes" and not for reasons incompatible with those purposes. *See* FSOR, p. 3-11. Lastly, the regulation is reasonably clear about when consent and a notice at collection is required. When a business seeks to process personal information in a way that does not comply with now-modified § 7002(a), consent under § 7002(e) is required to render that processing compatible. Consent (which must be a "freely given, specific, informed, and unambiguous indication of the consumer's wishes") is the appropriate mechanism to render processing that does not otherwise comply with § 7002(a) compatible, because consent ensures that consumers reasonably expect and agree to the processing. A new notice at collection is also required under § 7002(f) if the business intends to collect additional categories of personal information or intends to use the personal information for additional purposes that are incompatible with the disclosed purpose for which the personal information was collected. This requirement is consistent with CCPA's statutory requirements for notices at collection under Civil Code § 1798.100(a).	W63-5 W63-6 W63-8 W69-14	0681 0681 0682 0766
50.	Comment states that § 7002's "average consumer" standard is inconsistent with the proposed regulations' notice-at-collection provisions, which state in § 7012 that the purpose of the notice at collection is to provide consumers with timely notice about the purposes for which the personal information will be used and to provide consumers with meaningful control. Section 7002 is also inconsistent with the Fair Information Practice Principles, which	No change has been made in response to this comment. Section 7002 is consistent with § 7012. As explained in the FSOR, notices are insufficient tools by themselves to provide consumers with an understanding of and meaningful control over the purposes of collection and processing of their personal information. *See* FSOR, p. 10. Rather, notices play a part in shaping consumers' reasonable expectations about the purpose for collecting or processing their personal information, but consumers' reasonable expectations are formed based on context. Accordingly, other factors that must also be considered are: the relationship between the consumer and the business; the type, nature, and amount of personal information	W63-1 W75-6	0676-0677 0815, 0817

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	have acknowledged the role of clear consumer disclosures in determining the scope of permissible information processing.	that the business seeks to collect or process; the source of the personal information and the business's method for collecting or processing it; and the degree to which the involvement of service providers, contractors, third parties, or other entities in the collecting or processing of personal information is apparent to the consumer. The Agency has modified § 7002 to include these factors when determining the reasonable expectations of a consumer, which also clarifies the role of notices in the consumer expectations analysis under § 7002(b)(4).		
51.	Comment proposes that "average" consumer be replaced with "reasonable" consumer. The FTC and California consumer protection law uses the "reasonable" consumer standard, which also avoids the indeterminacy of defining what constitutes an "average" consumer when a business caters to multiple heterogeneous consumer segments.	No change has been made in response to this comment. The word "average" has been deleted and replaced with "reasonable expectations of the consumer," and thus, these are comments are now moot.	W59-7 W75-5 W75-8 W75-9	0611 0815-0817 0816-0817 0816-0817
52.	The purpose of § 7002 appears to be to clarify that the "purposes for which the personal information was collected or processed" under Civil Code § 1798.100(c) are the purposes of the consumer and not the purposes intended by a company with which the consumer is interacting, which could be more explicit.	No change has been made in response to this comment. As explained in the FSOR, § 7002 explains how a business must comply with each statutory requirement within Civil Code § 1798.100(c) and furthers the intent and purposes of CCPA. *See* FSOR, p. 3-11. Section 7002 has been modified to further clarify the requirements for a business's collection, use, retention, and/or sharing of a consumer's personal information to achieve the purpose for which the personal information was collected or processed. The regulation is reasonably clear. As explained in the now-modified § 7002(b), the purpose for which the personal information was collected or processed shall be consistent with the reasonable expectations of the consumer(s) whose personal information was collected or processed, based on the factors in § 7002(b)(1)-(5).	W83-41	0912-0913

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
53.	It is unclear how § 7002 intersects with other elements of the proposed regulations and CPRA, which allows sharing and sale subject to opt-out rights and certain processing for business purposes. The law should be clear about which set of rules governs which data collection and processing activities.	No change has been made in response to this comment. The regulation is reasonably clear. A business must comply with Civil Code § 1798.100(c) and § 7002 in its collection, use, retention, and/or sharing of consumer's personal information. Assuming that the business does comply with these requirements, the business must also provide an opt-out to consumers when required to do so under CCPA. For instance, if a business's sharing of a consumer's personal information is compliant with Civil Code § 1798.100(c) and § 7002, it must still offer an opt-out to consumers from that sharing as required under CCPA. These rules work together: Civil Code § 1798.100(c) and § 7002 address the requirements for a business's collection, use, retention, and/or sharing, while other sections of CCPA address when an opt-out must also be provided. The Agency has determined that no further clarification is necessary at this time.	W83-43	0913
– **§ 7002(a)**				
54.	Delete the word "explicit" from "explicit consent" standard, which is a higher standard for consent and is inappropriate because it is not defined.	Accept in part. Section 7002 has been modified to delete the word "explicit." As made clear with this modification, any "consent" must comply with the statutory definition of "consent" under Civil Code § 1798.140(h) and the requirements in § 7004.	W20-12 W20-13	0208 0208
55.	Section 7002(a) lacks any type of balancing test or other objective guide for companies to follow to determine whether processive activities are compatible with a business purpose. Comments propose revising the regulation to reflect a balancing test, such as those used in the GDPR, and adding criteria such as the nature and sensitivity of the data collected, responsible use of that data, disclosures about such uses, and efforts to minimize risk to consumers. Comments also propose that the regulation	Accept in part. The regulation has been modified to restate the statutory requirements under Civil Code § 1798.100(c) and cross-reference requirements under § 7002(b) and (c), and thus, portions of this comment are now moot. Under the modified regulations, § 7002(b) articulates objective factors in the assessment of whether the purpose for which personal information was collected or processed is consistent with the reasonable expectations of the consumer(s) whose personal information is collected or processed. Those factors include the nature and sensitivity of the personal information and the specificity, explicitness, prominence, and clarity of disclosures to consumers. These factors must be assessed together to determine the reasonable expectations of the	W71-1 W71-2 W71-3 W71-4 W71-5 W71-6 W75-9	0791 0791-0792 0791-0792 0792 0792 0792 0816-0817

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	provide additional exemptions for common business activities and business purposes, modifying the consent requirement for new activities where there is a direct or material benefit to consumer and advance notice and an opt-out, or deleting this requirement and enforcing disclosures to ensure that there are no unexpected or disproportionate processing activities.	consumer. In addition, § 7002(c) articulates how to assess whether another disclosed purpose is compatible with the context in which the personal information was collected, which includes whether that purpose is a business purpose. If a business seeks to use personal information for a common business activity, it must comply with § 7002(b) or § 7002(c)'s requirements. If neither applies to the business's processing, the business must obtain consent from the consumer under § 7002(e). Regardless of whether the business complies with § 7002(b), (c), or (e), it must comply with the "reasonably necessary and proportionate" requirements under § 7002(d), which requires businesses use the minimum personal information that is necessary to achieve a given purpose, identify possible negative impacts to consumers, and implement additional safeguards to address those negative impacts. These factors support harmonization with the GDPR. Lastly, although the Agency has added in criteria and examples throughout § 7002 to illustrate to businesses how to conduct the analysis for each part of § 7002, no change has been made in response to the proposed alternatives in the comments. The proposed alternatives (to exempt certain business activities from § 7002, delete § 7002, or modify the consent requirement) are not more effective in furthering the intent and purpose of CCPA. Consent is required to render processing compatible when it does not satisfy § 7002(b) or (c), and to provide consumers with control over their personal information. Removing the proposed requirements or exempting business activities would not comply with the statutory requirements within Civil Code § 1798.100(c) and would not provide consumers with control over their personal information. Removing the requirements or creating selective exemptions within § 7002 would also leave businesses with insufficient clarity on how to comply with Civil Code § 1798.100(c), which would weaken compliance with CCPA and undermine consumer control over their		

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		personal information. In addition, modifying the consent requirement to limit it to new activities does not address consumer's control over their personal information when businesses collect, use, retain, and/or share their personal information for activities that are not new and that do not comply with § 7002(b) and (c).		
56.	Section 7002(a) requiring explicit consent will add additional compliance costs. This is a cost that should have been addressed in a SRIA.	No change has been made in response to this comment. For the purposes of its economic analysis the Agency looked to the legal environment that consists of existing California Law as well as other relevant privacy obligations to comprise the baseline economic conditions for the proposed regulations. The analysis contemplated whether the regulation created obligations not found in existing law. A SRIA addresses economic impacts caused by the proposed regulation and should not include the baseline costs associated with existing law or regulations. Under Civil Code § 1798.100(c), a business cannot further process personal information in a manner that is incompatible with the purposes identified in the statutory provision. Consent is the appropriate mechanism to otherwise render the processing compatible. Accordingly, it is part of the regulatory baseline and there is no regulatory cost to address in a SRIA.	W11-1 W11-2 W11-5	0141-0142 0142 0143
57.	Delete or revise because an "average consumer" standard alters CPRA standard under Civil Code § 1798.100(c) and will make implementation difficult or impossible. The "average consumer" standard is vague, changeable, and subjective, and stakeholders will differ on what an average consumer expects. Consumer expectations will also change because of the complex and evolving nature of technology, and it is hard to know	No change has been made in response to this comment. The regulation has been modified to no longer include the word "average" and to provide factors to determine the reasonable expectations of the consumer, and thus, portions of this comment are now moot. In addition, the regulation has been further modified to clarify how a business must comply with each statutory requirement within Civil Code § 1798.100 and to provide practical examples that illustrate how businesses can comply with each requirement within § 7002. As explained in the FSOR, the reasonable expectations of the consumer are not based on subjective determinations. Rather, they are based on clear factors	W10-21 W18-11 W34-9 W34-10 W39-1 W52-47 W66-1 W66-2 W69-13 W72-2 W75-5	0112, 0116 0195 0368 0368-0369 0406 0544 0723-0724 0724 0765-0766 0798-0799 0815-0816

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	what the average consumer can expect given the wide variance in technological capacities and literacy across the general population. It is also unclear whether the average consumer knows that servicers or third parties are responsible for processing, which creates confusion and regulatory risk for businesses. It also threatens to prohibit even otherwise legally permissible processing, such as fraud prevention or creating new services or improving existing services. Comment also suggests that this standard will also make it even more important for consumers to scour privacy notices in detail. One comment suggests revising the regulation to require that expectations are based on those of an average consumer who has read the privacy policy and informed him/herself of the business's data collection practices, which creates an objective standard based on the privacy policy.	that must be assessed together in an objective manner (*i.e.*, from the perspective of a reasonable consumer, rather than a particular individual). *See* FSOR, pp. 3-6. The regulation also does not prohibit processing outright. If businesses do not comply with § 7002(b) or (c), they may still obtain consumer consent under § 7002(e) to render their processing compatible. The alignment with consumer expectations and consent as needed appropriately balances consumer choice and autonomy with business innovation. Lastly, the proposed alternative is not more effective in furthering the intent and purpose of CCPA. The reasonable expectations analysis in the modified § 7002(b) already addresses the role of disclosures in shaping consumer expectations. However, disclosures are insufficient by themselves to shape consumer expectations, which are guided by context and are addressed by the other factors in § 7002(b).	W86-4 W89-13	0938-0939 0955-0956
58.	The GDPR and other state laws do not use the "average consumer" standard and adopting such a standard will conflict with these laws and longstanding privacy principles. The GDPR uses different standards for data minimization and compatibility that are better than or diverge from § 7002(a). It also recognizes the role of consumer disclosures in determining the scope of permitted	No change has been made in response to this comment. The Agency has made every effort to utilize existing privacy frameworks in the regulations where appropriate. However, the CCPA has different requirements, definitions, and scope from the privacy laws identified in the comments. Section 7002 is consistent with and necessary to carry out the purpose and intent of the CCPA, including to ensure that consumers "control the use of their personal information" and that businesses should only collect consumer's personal information for "specific, explicit, and legitimate disclosed purposes" and not for reasons incompatible	W10-21 W18-9 W18-10 W28-6 W33-8 W53-9 W75-7 W86-5 W89-13	0112 0194 0194 0275-0276 0357 0563 0816-0817 0938-0939 0955-0956

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	processing. Comment suggests that the Agency adjust its regulations to be interoperable and include positive examples.	with those purposes. Lastly, portions of this comment are moot because the word "average" has been deleted from the regulation.		
59.	Comments state that "explicit consent" requirement will remove business's ability to rely on making updates to their privacy policy to address changes in practices, remove their flexibility to respond to evolving business practices, result in material changes in data collection practices, add significant compliance costs, threaten beneficial secondary uses of data, and adversely impact innovation while providing little additional benefit to consumers. Comment states that businesses should not have to obtain additional consent if they fully disclosed all potential purposes for which information may be used, retained, or shared, so long as the purposes are not incompatible with those purposes for which the information was originally collected, as otherwise developing and marketing new products or improving and marketing existing products would not be feasible.	No change has been made in response to this comment. Section 7002 is necessary to clarify how businesses must comply with each statutory requirement within Civil Code § 1798.100(c). If a business's collection, use, retention, and/or sharing does not comply with the requirements within Civil Code § 1798.100(c), the processing is prohibited under CCPA. There is no notice-based exception to this prohibition. In addition, consent (which must be a "freely given, specific, informed, and unambiguous indication of the consumer's wishes") is the appropriate mechanism to render processing compatible under CCPA. Comment's proposed privacy policy-based alternative does not comply with the statutory requirements under Civil Code § 1798.100(c) and is not more effective in furthering the intent and purpose of CCPA. As detailed further in the FSOR, notices are insufficient tools by themselves to provide consumers with an understanding of and control over the purposes of collection and processing of their personal information. *See* FSOR, p. 10. Lastly, the Agency does not believe that compliance would be overly burdensome or would stifle businesses or innovation. Businesses may collect, use, retain, and/or share personal information to achieve purpose for which the personal information was collected or processed under now-modified § 7002(b), or for another disclosed purpose that is compatible with the context in which the personal information was collected under now-modified § 7002(c). If a business cannot comply with § 7002(b) or (c), it may still obtain consent from the consumer. This approach enables compliance for businesses while providing consumers with meaningful control over their personal information in furtherance	W11-5 W14-1 W18-12 W22-1 W45-2	0143-0144 0162-0163 0195 0219 0467-0468

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		of the purposes of CCPA. The regulation also provides practical examples that illustrate how businesses can comply.		
60.	The "average consumer" standard is not specific or defined and is ambiguous and confusing to businesses and consumers. Comments also state that this standard poses implementation, compliance, and/or enforcement challenges for businesses and consumers, and provides little certainty or examples as to when consent is required, what constitutes necessary and proportionate, or what is compatible with consumer expectations. It also allows the Agency to substitute its own judgment about what is necessary and proportionate and suggests the Agency's policy preference for an opt-in framework. Comments propose revisions to a notice-based standard to align with the CPRA and other privacy laws and reduce ambiguity for businesses when assessing their compliance.	No change has been made in response to this comment. The regulation has been modified to no longer use the word "average, and thus, portions of this comment are now moot. As to the other portions, the modified regulation is reasonably clear. Section 7002 clarifies how businesses must comply with each statutory requirement in Civil Code § 1798.100(c), including when consent is required, what constitutes reasonably necessary and proportionate, and what is compatible with the context in which the personal information was collected. Section 7002 also includes detailed requirements and illustrative examples to guide businesses' compliance. In addition, the concern about the Agency substituting its own judgment is unfounded. The Agency must use the same requirements in Civil Code § 1798.100(c) and § 7002 to assess a business's compliance, which provide appropriate parameters for the Agency's discretion. Lastly, the notice-based alternative is not more effective in furthering the intent and purpose of CCPA. As detailed further in the FSOR, notices are insufficient tools by themselves to provide consumers with an understanding of and control over the purposes of collection and processing of their personal information. *See* FSOR, p. 10.	W14-2 W18-11 W28-3 W28-4 W30-1 W33-4 W33-6 W35-5 W44-4 W44-5 W52-47 W53-8	0163 0195 0275 0275-0276 0330 0355 0356 0372 0450-0451 0451 0544 0562-0563
61.	The "explicit consent" standard is ambiguous. It is unclear whether explicit consent is an elevated version of consent, such as in the GDPR. Requests guidance on the relationship between explicit consent and consent as defined in CPRA.	No change has been made in response to this comment. However, "explicit" has been deleted from the regulation, and thus, this comment is now moot. Also, § 7002(e) states that consent should be obtained in accordance with § 7004, which details the requirements for obtaining consumer consent. The Agency has determined that no further clarification is needed at this time.	W53-8 W53-9	0562-0563 0563
62.	Contends the "explicit consent" standard goes beyond the FTC's standard for non-material changes and is inconsistent with	No change has been made in response to this comment. The Agency has made every effort to utilize existing privacy frameworks in the regulations where appropriate. However, the CCPA has different requirements, definitions, and scope than the FTC's	W14-3	0163

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	the FTC's standard for material, prospective changes.	Section 5 deception framework for material changes. Section 7002 is consistent with and necessary to carry out the purpose and intent of the CCPA, including to ensure that consumers "control the use of their personal information" and that businesses should only collect consumer's personal information for "specific, explicit, and legitimate disclosed purposes" and not for reasons incompatible with those purposes. Portions of this comment are also moot because the modified regulation no longer uses the word "explicit."		
63.	Comment appears to argue that a test taking organization's agreement process for test takers is compliant with the requirements of consent under the CCPA. Comment argues that when a test taking organization presents a legally binding agreement to a test taker prior to the testing session, which is tied to a disclosure notice and privacy policy that complies with CPRA, the test taker's acceptance is legally sufficient to constitute "explicit consent." This is the same process already required for a test taker to give affirmative consent to the collection and use of sensitive personal information.	No change has been made in response to this comment. Consent must comply with the statutory definition of "consent" under Civil Code § 1798.140(h) and the requirements in § 7004. The comment appears to raise specific legal questions that would require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. Lastly, portions of this comment are moot, because the modified regulation no longer uses the word "explicit."	W20-12 W20-14	0208 0208
64.	Delete or revise § 7002(a)'s "average consumer" standard and the "explicit consent" requirement because they create confusion concerning when processing, such as targeted advertising, is permissible and what the relevant notice and choice standards are for such processing. The Agency should clarify that targeted advertising is permissible with appropriate	No change has been made in response to this comment. The regulation has been modified to delete the words "explicit" or "average," and to restate the statutory requirements in Civil Code § 1798.100(c), and thus, portions of the comment are now moot. In addition, the modified regulation is reasonably clear. Under the modified regulations, a business's use of personal information for targeted advertising must comply with the requirements in § 7002(b) or (c), or the business must otherwise obtain consent under § 7002(e). Regardless of whether the business chooses to	W24-7 W24-8 W24-9 W24-10	0231 0231 0231-0232 0232

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	notice and opt out, which avoids undermining otherwise compliant activities permitted by the statute. Provides suggestions on revising 7002(a) if not stricken.	comply with § 7002(b), (c), or (e), the business must comply with the requirements of § 7002(d). Whether targeted advertising is compliant with these requirements is a fact-specific determination.		
65.	Revise the "average consumer" standard because it hampers businesses' ability to process data for highly technical backend processes, such as product improvement, research, analytics, and the development of new products. If they are not on par with average consumer expectations, businesses need to seek opt-in consent for these processes. This is especially problematic for small businesses early in their product design phase. Businesses will face serious slowdowns in routine processes, such as running quality checks, developing comparisons to other products, conducting product upgrades, engaging in testing, and designing new features which are actually beneficial to consumers.	No change has been made in response to this comment. The regulation has been modified to delete the word "average," and thus, portions of this comment are now moot. In addition, the Agency does not believe that the requirements in § 7002 will hamper businesses' ability to process data for backend processes. If a business seeks to use personal information for backend processes, it must comply with § 7002(b) or § 7002(c)'s requirements. If neither applies to the business's processing, the business may still obtain consent from the consumer under § 7002(e) to render their processing compatible. The alignment with consumer expectations and consent as needed appropriately balances consumer choice and autonomy with business innovation in developing products that are beneficial to consumers.	W30-2	0330-0331
66.	Comment discusses the § 7002 example detailing a cloud storage service that uses information to create unrelated or unexpected services. Comment suggests a risk-based approach to incompatible processing to preserve businesses' ability to create innovative products that consumers may not anticipate but are unlikely to bring them harm. Consumers may not always expect specific	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. A risk-based standard that only requires consent for "high-risk products and services" would create ambiguity for consumers and businesses about what is a high-risk product and service across industries and many factual situations. It is also unclear whether this approach would be more effective in providing consumers with control over their personal information when consumers have expressed concern over uses of personal information beyond providing them the product or service	W53-10	0563

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	improvements to products and services, even if they ultimately benefit from them. High-risk products and services, such as a facial recognition algorithm, require consent, but not all unexpected improvements are objectionable.	requested. *See* FSOR, pp. 3-6. Section 7002 appropriately balances businesses' ability to improve their specific products and services while providing consumers with the ability to control how their personal information is used. Under the modified regulation, if a business seeks to use personal information for innovation or product improvements, it must comply with § 7002(b) or § 7002(c)'s requirements. If neither applies to the business's processing, the business may still obtain consent from the consumer under § 7002(e) to render their processing compatible. The alignment with consumer expectations and consent as needed appropriately balances consumer choice and autonomy with business innovation.		
67.	Delete the explicit consent provision because it would allow businesses to collect data for reasons beyond what a reasonable consumer expects and beyond the context in which the data was collected if they obtain explicit consent. Comment states that there is no consent exception under Civil Code § 1798.100(c).	No change has been made in response to this comment. Consent is not an exception to the requirements of Civil Code § 1798.100(c). Rather, consent (which must be a "freely given, specific, informed, and unambiguous indication of the consumer's wishes") is the appropriate mechanism to render processing that does not otherwise comply with now-modified § 7002(a) compatible, because consent ensures that consumers reasonably expect and agree to the processing.	W60-3 W60-28 W60-29 W83-42 O28-1	0624-0625 0634 0634-0635 0913 D2 27:6-27:14
68.	Delete or revise the "average consumer expectations" standard, which will discourage innovation and deprive consumers of the use of their personal information for developing new services. One comment also states that the standard is vague and will also result in arbitrary and unfair enforcement, unless disclosures to consumers serve as the benchmark for determining what an average consumer would expect.	No change has been made in response to this comment. The regulation has been modified to delete the word "average" and to provide several criteria and examples explaining how to comply with each requirement within § 7002, and thus portions of this comment are now moot. In addition, the Agency does not believe that the requirements in § 7002 will discourage innovation or deprive consumers of the use of their personal information for developing new services. When businesses do not comply with the consumer expectations or compatibility requirements in § 7002, they may still obtain consumer consent to render their processing compatible. The alignment with consumer expectations and consent as needed appropriately balances consumer choice and	W63-2 W63-3 W86-6	0678 0678-0679 0938-0939

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		autonomy with business innovation. Lastly, a consumer expectations-based standard will not result in arbitrary and unfair enforcement. The Agency must use the same requirements in Civil Code § 1798.100(c) and § 7002 to assess a business's compliance, which provide appropriate parameters for the Agency's discretion. In addition, the proposed disclosure-based standard is not more effective in furthering the intent and purposes of the CCPA. A disclosure-based approach would undermine consumers' control over their personal information and would place them on unequal footing with businesses when negotiating with businesses over the use their personal information. As detailed in the FSOR, notices are insufficient tools by themselves to provide consumers with an understanding of and control over the purposes of collection and processing of their personal information. *See* FSOR, p. 10.		
69.	The proposed consent standard could create significant burdens and harm competition, particularly for small businesses. For example, it is burdensome for retailers to have to provide both a new notice and obtain explicit consent for internal analytics. It would also have anticompetitive effects because larger competitors may already be conducting similar analytics.	No change has been made in response to this comment. The Agency does not believe that the requirements in § 7002 will create significant burdens on businesses. Sections 7002(b) and (c) explain the uses of personal information that do not require consent. Whether internal analytics fits within those requirements is a fact-specific determination. When businesses do not comply with the consumer expectations or compatibility requirements in § 7002, they may still obtain consumer consent to render their processing compatible. The alignment with consumer expectations and consent as needed appropriately balances consumer choice and autonomy with business innovation. Regardless of whether the business complies with § 7002(b), (c), or (e), it must still comply with the requirements in § 7002(d). In addition, § 7002 will not have anti-competitive effects. All businesses subject to CCPA must comply equally with the requirements in § 7002.	W63-7	0681-0682
70.	Requiring consent for unrelated uses goes beyond what is permissible and could potentially harm consumers. Unrelated use	No change has been made in response to this comment. The regulation has been modified to delete language about "unrelated" uses, and thus, portions of this comment are now moot. In	W63-8 W84-3	0682-0683 0916-0917

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	cases, such as security and fraud prevention, may be compatible, and a consent requirement for these use cases potentially bars businesses from beneficial data uses that protect consumers or enable innovation without harm to the consumer. A consent requirement for unrelated purposes that have been disclosed and are not wholly incompatible will result in a flood of consent requests for benign activities and consent fatigue.	addition, under the modified regulations, a business's use of personal information must comply with the requirements in § 7002(b) or (c), or otherwise obtain consent under § 7002(e). Regardless of whether the business chooses to comply with § 7002(b), (c), or (e), the business must comply with the requirements of § 7002(d). Whether a use case is compliant with these requirements is a fact-specific determination. Lastly, consent does not bar businesses from beneficial data uses or inhibit innovation. When businesses' use of personal information does not comply with the consumer expectations or compatibility requirements in § 7002, they may still obtain consumer consent to render their processing compatible. The alignment with consumer expectations and consent as needed appropriately balances consumer choice and autonomy with business innovation. The Agency also does not believe that the consent requirement will lead to consent fatigue, nor does the comment provide any support for such a proposition. Consent fatigue results from frustrating and confusing user interfaces, which is addressed by CCPA's statutory requirements for consent and § 7004's requirements prohibiting mechanisms that are confusing to consumers and that impair consumer choice.		
71.	The average consumer standard is a complicated standard when applied to the insurance industry because consumers may not be aware of insurers' operations or have knowledge about how insurers operate or share data in the ordinary course of business. Comment recommends that the Agency consider exceptions under Model Regulation #672.	No change has been made in response to this comment. The regulation has been modified and no longer uses the word "average," and thus, portions of this comment are now moot. *See* FSOR, pp. 3-11. Under the modified regulations, a business's use of personal information must comply with the requirements in § 7002(b), which requires that the purpose for which the personal information was collected or processed is consistent with the reasonable expectations of the consumer. The regulation provides five factors to determine the consumer's reasonable expectations. The business's use may also comply with § 7002 (c), which addresses when another disclosed purpose is compatible with the	W65-2	0716-0717

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		context in which the personal information was collected. If neither § 7002(b) nor (c) applies, the business may obtain consent under § 7002(e). Regardless of whether the business chooses to comply with § 7002(b), (c), or (e), the business must comply with the requirements of § 7002(d). Whether an insurer's use of personal information complies with these requirements is a fact-specific determination. In compliance with Civil Code section 1798.185(a)(21), the Agency is reviewing current and proposed insurance privacy laws and will issue any necessary regulations at a future date.		
72.	The average consumer standard with respect to retention of personal information may not align with the retention period that is required under insurance laws for the insurance industry to perform certain core insurance functions, such as auditing. The average consumer's expectation around data retention will likely be far lower in duration than the actual retention periods needed to perform insurance-related functions and comply with regulatory requirements.	No change has been made in response to this comment. Under Civil Code § 1798.145(a)(1), the obligations imposed on businesses by CCPA shall not restrict a business's ability to comply with federal, state, or local laws or comply with a court order or subpoena to provide information, among other exemptions. Whether this exemption applies to an insurer's retention of personal information appears to raise specific legal questions that would require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. If an exception does not apply, the business must comply with § 7002 in its retention of personal information. If the retention does not satisfy § 7002(b) and (c)'s requirements, the business may still obtain consumers' consent under § 7002(e) to render their processing compatible. Regardless of whether the business complies with § 7002(b), (c), or (e), the business must comply with § 7002(d)'s requirements. In compliance with Civil Code section 1798.185(a)(21), the Agency is reviewing current and proposed insurance privacy laws and will issue any necessary regulations at a future date.	W65-3	0717
73.	Section 7002(a) is unclear about how a business should apply standards regarding notice at collection and the use of precise	No change has been made in response to this comment. The regulation has been modified to restate the statutory requirements under Civil Code § 1798.100(c) and cross-reference requirements	W68-13	0749

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	location information and other sensitive personal information as established by the CPRA and § 7002, particularly with respect to the CPRA's opt-out for sensitive personal information.	under § 7002(b) and (c), and thus, portions of this comment are now moot. Under the modified regulations, § 7002(b) articulates factors in the assessment of whether the purpose for which personal information was collected or processed is consistent with the reasonable expectations of the consumer(s) whose personal information is collected or processed. Section 7002(c) articulates factors in the assessment of whether another disclosed purpose is compatible with the context in which the personal information was collected, which includes whether that purpose is a business purpose. If a business seeks to use personal information, it must comply with § 7002(b) or § 7002(c)'s requirements. If neither applies to the business's use, the business must obtain consent from the consumer under § 7002(e). Regardless of whether the business complies with § 7002(b), (c), or (e), it must comply with the "reasonably necessary and proportionate" requirements under § 7002(d). Lastly, the regulation's requirements for sensitive personal information are reasonably clear. A business must comply with Civil Code § 1798.100(c) and § 7002 in its collection, use, retention, and/or sharing of consumers' personal information, which includes sensitive personal information. Assuming that the business does comply with these requirements, the business must also provide consumers with a way to limit its use and disclosure of sensitive personal information when required to do so under the CCPA. For instance, even if a business's use of a consumer's sensitive personal information is compliant with Civil Code § 1798.100(c) and § 7002, it must still offer an opt-out to consumers to limit its use and disclosure of that sensitive personal information as required under the CCPA. These rules work together: Civil Code § 1798.100(c) and § 7002 address the requirements for a business's collection, use, retention, and/or sharing, while other sections of the CCPA, such as Civil Code		

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		§ 1798.121, address when an opt-out must also be provided for a business's use and disclosure of sensitive personal information.		
74.	Revise § 7002(a) to expressly provide that using personal information to detect or prevent fraud is permissible because such use would not be unrelated or incompatible. Without clarification, there may be uncertainty about when personal information may be used to prevent and detect fraud and what kind of disclosure or consent would be necessary.	No change has been made in response to this comment. The regulation has been modified to restate the statutory requirements under Civil Code § 1798.100(c) and cross-reference requirements under § 7002(b) and (c), and thus, portions of this comment are now moot. Under the modified regulations, § 7002(b) articulates factors in the assessment of whether the purpose for which personal information was collected or processed is consistent with the reasonable expectations of the consumer(s) whose personal information is collected or processed. Section 7002(c) articulates factors in the assessment of whether another disclosed purpose is compatible with the context in which the personal information was collected, which includes whether that purpose is a business purpose. If a business seeks to use personal information to detect or prevent fraud, it must comply with § 7002(b) or § 7002(c)'s requirements. If neither applies to the business's processing, the business must obtain consent from the consumer under § 7002(e). Regardless of whether the business complies with § 7002(b), (c), or (e), it must comply with the "reasonably necessary and proportionate" requirements under § 7002(d). The regulation is reasonably clear, and the Agency has determined no further clarification is needed at this time about when personal information may be used to prevent and detect fraud, and when consent may be required.	W72-4	0799
75.	The Agency's broad audit and investigative powers under the proposed regulations would enable the Agency to audit/investigate any use of personal information it deems is not expected by an average consumer, which would	No change has been made in response to this comment. The concern about the Agency having the unnecessarily broad sole purview to determine whether uses of personal information are consistent with the consumer's reasonable expectations is unfounded. The Agency must use the same requirements in Civil Code § 1798.100(c) and § 7002 to assess business's compliance, which provide appropriate parameters for the Agency's discretion.	W75-7	0816

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	presumably be within the Agency's sole purview to determine.			
76.	The "average consumer" standard is troublesome. Comment requests that the Agency provide guidance on how it will define the "average" consumer when undertaking enforcement action.	No change has been made in response to this comment. The regulation has been modified to delete the word "average," and thus, this comment is now moot.	W97-6	1060
– **§ 7002(b)**				
77.	Comment suggests clarifying the notion of "average consumer."	No change has been made in response to this comment. The phrase "average consumer" has been deleted in response to other comments, and thus, this comment is moot. *See* Response # 57.	W85-3	0929-0930
78.	Section 7002(b) should emphasize the statutory standard of compatibility of processing purposes rather than introducing new concepts of unrelated or unexpected data use, which introduce unnecessary confusion. Comments propose corresponding modifications and also suggest revising the proposed regulation to replace "average" consumer's expectations with "reasonable" consumer's expectations, delete the phrase "unrelated to," and/or replace it with "incompatible with" and/or add additional criteria.	No change has been made in response to this comment. The examples in § 7002(b) and the word "average" has been deleted, and thus, these comments are now moot. In addition, the Agency has modified § 7002 to further clarify Civil Code § 1798.100(c)'s statutory requirements, including how businesses must determine the reasonable expectations of the consumer and the compatibility of another disclosed purpose with the context in which the personal information was collected. Whether a given data use is compliant with the requirements in § 7002, including unrelated or unexpected data uses, is a fact-specific determination.	W75-9 W86-7 W86-8	0816-0818 0939 0939
79.	The lack of examples about what would be considered necessary and proportionate, or compatible with consumer expectations, suggests a policy preference to move to an opt-in framework that is unsupported by either the history or text of the CCPA.	No change has been made in response to this comment. The examples in § 7002(b) have been deleted, and thus, this comment is now moot. Separately, it is the CCPA that requires a business's collection, use, retention, and sharing of personal information to be reasonably necessary and proportionate to achieve the purposes of which it was collected or processes or another disclosed purpose that is compatible with the context in which it was collected. *See* Civ. Code § 1798.100(c). The modified regulation explains these	W33-6	0356

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		statutory requirements and provides examples that illustrate how businesses can comply with the law. FSOR, pp. 3-11. It is the comment's interpretation of the statute that is unsupported by the language, structure, and intent of the CCPA.		
80.	Comment suggests adding in original illustrative examples, as the use of examples from previous FTC cases may cause confusion because the FTC took action in these cases on the basis of its authority over unfair and deceptive commercial acts or practices. The Agency is using these examples in support of a different legal standard under § 7002.	No change has been made in response to this comment. The examples in § 7002(b) have been deleted, and thus, this comment is now moot. In addition, the Agency has modified § 7002 to further clarify Civil Code § 1798.100(c)'s statutory requirements, including how businesses must determine the reasonable expectations of the consumer and the compatibility of another disclosed purpose with the context in which the personal information was collected. The modified regulation includes practical examples that illustrate how businesses can comply with the law.	W87-1	0947
81.	The examples for implementing Civil Code § 1798.100(c) should provide guidance about what it means to process personal information in a manner that is necessary and proportionate to disclosed processing purposes. One comment proposes clarifying that it is not reasonably necessary for businesses to use Sensitive Personal Information for purposes that otherwise could be served by information that is not sensitive.	No change has been made in response to this comment. The examples in § 7002(b) have been deleted, and thus, this comment is now moot. The Agency has modified § 7002 to further clarify Civil Code, § 1798.100(c)'s statutory requirements, including how businesses must comply with the "reasonably necessary and proportionate" requirement when collecting, using, retaining, and/or sharing personal information to achieve the purpose for which the personal information was collected or processed, or another disclosed purpose that is compatible with the context in which the personal information was collected. The modified regulation includes practical examples that illustrate how businesses can comply with the law. In addition, to the extent the comments suggest revising § 7002 to address how businesses may use Sensitive Personal Information, the modified regulations appropriately address comment's concern. Section 7002(b) has been revised to include the type, nature, and amount of the personal information that the business seeks to collect or process as part of the assessment of whether the purpose for which the personal information was collected or processed is consistent with	W2-2 W52-22	0005-0006 0532

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		the reasonable expectations of the consumer. Section 7002(d) has also been revised to require the minimum personal information that is necessary to achieve a given purpose and the existence of additional safeguards to address possible negative impacts on consumers posed by the business's collection or processing of personal information as part of the "reasonably necessary and proportionate" determination. Lastly, the additional requirements for businesses' use and disclosure of sensitive personal information is addressed in § 7027, which has also been modified since the comment was submitted.		
82.	The illustrative examples provide little to no clarity and contradict the CPRA by imposing opt-in standards where the CPRA takes an opt-out approach. These examples, such as in § 7002(b)(1), § 7002(b)(3) and § 7002(b)(4), require opt-in consent for certain disclosures despite the requirements related to opt-out of sale and sharing and/or limits on using or disclosing sensitive personal information in the CPRA, which creates confusion. Comment proposes that these examples be removed from the regulations and that the regulations be revised to tie permissible data collection, use, and transfers to notices rather than "average consumer expectation."	No change has been made in response to this comment. The examples in § 7002(b) have been deleted, and thus, this comment is now moot. In addition, the Agency has modified § 7002 to further clarify Civil Code § 1798.100(c)'s statutory requirements, including how businesses must comply with the "reasonably necessary and proportionate" requirement when collecting, using, retaining, and/or sharing personal information to achieve the purpose for which the personal information was collected or processed, or another disclosed purpose that is compatible with the context in which the personal information was collected. The comment's interpretation of the statute and proposed alternative to tie permissible data collection, use, and transfers to notices is unsupported by the language, structure, and intent of the CCPA, and is not more effective in furthering the intent and purpose of the CCPA. First, a notice-only requirement does not comply with the statutory requirements of Civ. Code § 1798.100(c). Second, as explained in the FSOR, notices are insufficient tools by themselves to provide consumers with an understanding of and control over the purposes of collection and processing of their personal information. *See* FSOR, p. 10. Finally, § 7002 does not conflict with the CCPA's opt-out requirements for sale and sharing and limiting the use and disclosure of sensitive personal information. Section	W44-7 W44-8 W44-9 W50-2 W50-3	0451 0451-0452 0452 0498-0499 0498-0499

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		7002 clarifies how a business must comply with each of the statutory requirements in Civil Code § 1798.100(c) when it collects, uses, retains, and/or shares personal information. If the business does so, the business must still provide an opt-out for sale and sharing or a limitation on the use and disclosure of sensitive personal information when required by the CCPA.		
83.	The illustrative examples are narrow and will restrict innovation, such as the use of machine learning models and training those models with data collected for the improvement of services. The regulations assume that the primary function of the service should be the exclusive function, which is narrower than the GDPR's data minimization provision. Comments propose inclusion of examples where the use of data to improve and build new features are compatible with the original purpose, or revisions to § 7002(b) to reflect that businesses can use consumer data within the bounds of data minimization principles to support and improve existing products and to develop new products and services if they are pertinent to the same industry. Comment states that the language as-is would serve as a critical barrier to innovation for nearly every sector, and that reasonable companies may not be able to collect personal information even with proper notice at collection and privacy policies.	No change has been made in response to this comment. The examples in § 7002(b) have been deleted, and thus, this comment is now moot. In addition, the Agency has modified § 7002 to further clarify Civil Code § 1798.100(c)'s statutory requirements, including how businesses must determine the reasonable expectations of the consumer and the compatibility of another disclosed purpose with the context in which the personal information was collected. Whether a given data use, such as to support and improve existing products or develop new products and services, is compliant with the requirements in § 7002 is a fact-specific determination. The modified regulation also includes practical examples that illustrate how businesses can comply with the law. Lastly, the Agency does not believe that the requirements in § 7002 will discourage innovation or deprive consumers of the use of their personal information for developing new services. When businesses do not comply with the consumer expectations or compatibility requirements in § 7002, they may still obtain consumer consent to render their processing compatible. The alignment with consumer expectations and consent as needed appropriately balances consumer choice and autonomy with business innovation.	W10-22 W69-15 W89-14	0112-0113, 0116 0766 0956

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
84.	Revise § 7002(b) to include an additional example that addresses how a news website's use of data to suggest additional articles is compatible with consumer's expectations. However, the website's sharing browsing information with another business for marketing purposes would be neither necessary and proportionate nor compatible with consumers' expectations.	No change has been made in response to this comment. The examples in § 7002(b) have been deleted, and thus, this comment is now moot. In addition, the Agency has modified § 7002 to further clarify Civil Code § 1798.100(c)'s statutory requirements, including how businesses must determine the reasonable expectations of the consumer and the compatibility of another disclosed purpose with the context in which the personal information was collected. Whether a given data use case, such as to suggest additional articles, is compliant with the requirements in § 7002 is a fact-specific determination. The modified regulation includes practical examples that illustrate how businesses can comply with the law.	W60-30	0635
85.	The mobile flashlight application in § 7002(b)(1) could offer ancillary benefits that might rely on collected data, such as identifying restaurants that are too dimly lit or public areas with insufficient street lighting. These would benefit the consumer. Comments propose corresponding modifications to § 7002(b)(1) to strike the average consumer standard and add that it "may not be" reasonably necessary and proportionate to collect geolocation to achieve additional purposes of improvement or adding features.	No change has been made in response to this comment. The examples in § 7002(b) have been deleted, and thus, this comment is now moot. In addition, the Agency has modified § 7002 to further clarify Civil Code § 1798.100(c)'s statutory requirements, including how businesses must determine the reasonable expectations of the consumer and the compatibility of another disclosed purpose with the context in which the personal information was collected. Whether a given data use case, such as to provide additional services with collected data, is compliant with the requirements in § 7002 is a fact-specific determination. The modified regulation also includes practical examples that illustrate how businesses can comply with the law.	W10-22 W24-11 W89-14	0112-0113, 0116 0232 0956
86.	Revise § 7002(b)(2) to limit it to only the facial recognition product scenario to avoid restrictive interpretations of what is incompatible and risk impairing research and development, or revise it to include the use of personal information to improve similar services and replace "unrelated or	No change has been made in response to this comment. The examples in § 7002(b) have been deleted, and thus, this comment is now moot. In addition, the Agency has modified § 7002 to further clarify Civil Code § 1798.100(c)'s statutory requirements, including how businesses must determine the reasonable expectations of the consumer and the compatibility of another disclosed purpose with the context in which the personal information was collected.	W30-2 W31-1	0330-0331 0344

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	unexpected" to "used for a different industry."	Whether a given data use case is compliant with the requirements in § 7002 is a fact-specific determination. The modified regulation also includes practical examples that illustrate how businesses can comply with the law.		
87.	Clarify § 7002(b)(2) to avoid implying the deletion of consumer data is required in all cases once a consumer ends its business relationship with a company. Other sections of the CPRA acknowledge that data may be retained for permissible purposes or in archive or back-up forms. Comment encourages the Agency to clarify that the general requirement in 7002 does not override more specific language found elsewhere in the CPRA and draft regulations about specific situations in which data may be permissibly used and retained.	No change has been made in response to this comment. The examples in § 7002(b) have been deleted, and thus, this comment is now moot. In addition, the Agency has modified § 7002 to further clarify Civil Code § 1798.100(c)'s statutory requirements, including how businesses must comply with the "reasonably necessary and proportionate" requirement when collecting, using, retaining, and/or sharing personal information to achieve the purpose for which the personal information was collected or processed, or another disclosed purpose that is compatible with the context in which the personal information was collected. Whether a given use and retention case is compliant with the requirements in § 7002 is a fact-specific determination.	W48-3	0489
88.	If the facial recognition service in § 7002(b)(2) is developed to provide the consumer with more secure access to their cloud storage, the new service is arguably related, but not necessarily expected. What is expected or reasonably necessary proportionate to achieve the purpose is subjective and difficult to determine.	No change has been made in response to this comment. The examples in § 7002(b) have been deleted, and thus, this comment is now moot. In addition, the Agency has modified § 7002 to further clarify Civil Code § 1798.100(c)'s statutory requirements, including how businesses must comply with the "reasonably necessary and proportionate" requirement when collecting, using, retaining, and/or sharing personal information to achieve the purpose for which the personal information was collected or processed, or another disclosed purpose that is compatible with the context in which the personal information was collected. Whether a given use case is compliant with the requirements in § 7002 is a fact-specific determination. The modified regulation also includes practical examples that illustrate how businesses can comply with the law.	W97-7	1061

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
89.	Section 7002(b)(4), which relates to Business D sharing information with Business E and then requiring Business E to obtain explicit consent to market their products, likely conflicts with CAN-SPAM Act, which preempts state law and allows the transfer of email addresses for commercial email marketing as long as the consumer has not opted out.	No change has been made in response to this comment. The examples in § 7002(b) have been deleted, and thus, this comment is now moot. In addition, § 7002 does not conflict with CAN-SPAM Act's requirements for commercial emails.	W14-4	0163
90.	Clarify § 7002(b)(4) to address how to treat consumer information if Business E uses another business as part of its delivery optimization process, such as if Business E contracts with another company to help optimize delivery routes/schedules for efficiency.	No change has been made in response to this comment. The examples in § 7002(b) have been deleted, and thus, this comment is now moot. In addition, the Agency has modified § 7002 to further clarify Civil Code § 1798.100(c)'s statutory requirements, including how businesses must comply with the "reasonably necessary and proportionate" requirement when collecting, using, retaining, and/or sharing personal information to achieve the purpose for which the personal information was collected or processed, or another disclosed purpose that is compatible with the context in which the personal information was collected. Whether a given use case is compliant with the requirements in § 7002 is a fact-specific determination. The modified regulation also includes practical examples that illustrate how businesses can comply with the law.	W32-6	0349
91.	Revise § 7002(b)(4) to make clear that the hypothetical online retailer would be permitted to market other businesses' products and services if such use was disclosed in the consumer notices required by the law. Data-driven marketing and advertising should be recognized as compatible with the collection of a consumer's personal information.	No change has been made in response to this comment. The examples in § 7002(b) have been deleted, and thus, this comment is now moot. In addition, the Agency has modified § 7002 to further clarify Civil Code § 1798.100(c)'s statutory requirements, including how businesses must comply with the "reasonably necessary and proportionate" requirement when collecting, using, retaining, and/or sharing personal information to achieve the purpose for which the personal information was collected or processed, or another disclosed purpose that is compatible with the context in which the personal information was collected. Whether a given use	W68-14	0749-0750

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		case is compliant with the requirements in § 7002 is a fact-specific determination. The modified regulation also includes practical examples that illustrate how businesses can comply with the law.		
– **§ 7002(c)**				
92.	Comment requests clarity about how a new notice at collection should be provided to consumers under § 7002(c), particularly in certain circumstances, such as if there is no recent relationship or if the initial collection of information did not include contact information.	No change has been made in response to this comment. The regulations are reasonably clear. Section 7012(c) provides illustrative examples about the different ways that a notice at collection shall be made readily available to consumers, including via a link, webform, mobile application, offline, or via phone or in-person. To the extent that this comment raises specific legal questions that would require a fact-specific determination, the commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. Lastly, § 7002(c) has been modified and is now § 7002(f). Please refer to the modified regulations.	W97-8	1061
§ 7003. Requirements for Disclosures and Communications to Consumers				
– **Comments generally about § 7003**				
93.	Encourages Agency to avoid requiring lengthy and technical disclosures or overly prescriptive presentation requirements and encourages Agency to allow for flexibility in disclosures and communications with consumers, including the use of existing well-tested formats for compliance that would make notices more understandable.	No change has been made in response to this comment. The regulations implement CCPA's statutory requirements for disclosures to consumers. The regulations also require that disclosures are easy to read and understandable to consumers, among other requirements in § 7003. These requirements provide a business with flexibility in determining how to provide disclosures and how to communicate with consumers in ways that best fit the business and its consumers, and they avoid the use of lengthy and technical disclosures or overly prescriptive presentation requirements.	W35-3 W52-1	0371 0526
– **§ 7003(a)**				
94.	Supports the regulation's setting forth the general principle that disclosures should be	The Agency appreciates this comment of general support. No change has been made in response to this comment. The comment	W52-13	0529

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	easy to read and understandable to consumers.	concurred with § 7003(a) of the proposed regulations, so no further response is required.		
95.	Claims there is a conflict between the requirement to use "plain, straightforward language and avoid technical or legal jargon" and certain other disclosure requirements, such as in § 7011(e)(1)(A), and seeks clarification that the requirement to use plain language is subject to the need to otherwise comply with the specific requirements of the CCPA and regulations, even when those requirements require technical language.	No change has been made in response to this comment. The regulation is reasonably clear and does not conflict with other disclosure requirements in the regulations, such as the requirement in § 7011(e)(1)(A) to identify categories of personal information using the specific terms in Civ. Code § 1798.140(v)(1)(A) to (K) and (ae)(1) to (2). Section 7003(a) does not prohibit the use of additional descriptive language if necessary to comply with specific disclosure requirements of CCPA and these regulations. For example, if the business collects personal information related to protected classifications, it may list this category of personal information and provide additional detail on the specific protected class information it is collecting (*e.g.*, race, sex, sexual orientation) that is easy to read and understandable to consumers. The Agency has determined that no further clarification is needed at this time.	W31-2	0345
96.	Expresses concern that the requirement for disclosures and communications to be "easy to read and understandable to the consumer" using "straightforward language" is a subjective standard and suggests that readability statistics would provide a more objective standard.	No change has been made in response to this comment. CCPA authorizes the Agency to establish rules, procedures, and any exceptions necessary to ensure that the notices and information that businesses are required to provide under the CCPA are provided in a manner that may be "easily understood by the average consumer, are accessible to consumers with disability, and are available in the language primarily user to interact with the consumer…." Civ. Code § 1798.185(a)(6). In drafting these regulations, the Agency considered studies that found that presentation and the use of plain language techniques positively influence the effectiveness and comprehension of privacy policies. ISOR, p. 9. Section 7003(a) takes a performance-based approach, calling for the disclosures and communications to be designed and presented in a way that makes it easy to read and understandable by consumers. *Id.* The Agency appreciates that there are other	W97-9	1061

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		possible approaches and continues to observe developments in the area.		
– **§ 7003(b)**				
97.	Concerned that the phrase "other information" is so broad that it could require a business to prepare new disclosures in a foreign language after only incidental use of that language regarding a business's "other information," and proposes regulation clarify that disclosures are only required in the language(s) in which the business primarily interacts with consumers.	No change has been made in response to this comment. The regulation is reasonably clear. Section 7003(b) requires a business to provide disclosures in the languages in which the business in its ordinary course provides such other information. The Agency has determined that no further clarification is needed at this time. To the extent that the commenter seeks additional clarity, it likely requires a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W66-3	0724-0725
– **§ 7003(c)**				
98.	Recommends that the regulation use the term "homepages" to align with the statute.	Accept. Section 7003(c) capitalizes the term "Homepage(s)" to clarify that it is a defined term for the purposes of this regulation, and businesses can refer to CCPA for the definition of this term.	W90-12	0980
99.	Requests flexibility in § 7003(c). Comment Expresses concern that the regulation requires businesses to use certain font sizes and colors for a conspicuous link required under the CPPA, requires a business's opt-out icon to be the same size as other icons on a business's webpage, assumes there is a single standard for how links are presented on a webpage, does not take into account the location or context of the conspicuous links location, and generally that the regulation does not provide sufficient flexibility for how a business should present conspicuous links to the consumer in a way that does not interfere	Accept in part. The Agency revised § 7003(c) by adding the language "similarly-posted" and "next to it that are" to address situations where the business has links of different sizes and colors on its homepages. This modification clarifies that the conspicuous link should be approximately the same size or color as other similarly posted icons that are next to it on a business's homepage. The Agency considered the specific proposed alternative to replace the term "other" with "the smallest text-based" but that proposed alternative is not as effective or efficient as the revised language now present in § 7003(c). The language "similarly-posted" and "next to it that are" allow businesses flexibility to use, among other things, different text sizes that are appropriate in the context of a business's webpage while still ensuring consumers can locate conspicuous links.	W24-12 W44-31 W44-32 W59-8 W72-5	0232 0460, 0461 0460, 0461 0611 0799

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	with the business's existing branding or webpage aesthetics.			
100.	Section 7003(c)'s requirement that the font size and color be the same as other links used by the business on its homepage requires businesses to inspect their websites and make changes. This is a cost that should have been addressed in a SRIA.	No change has been made in response to this comment. The Agency has revised this subsection in response to other comments. Moreover, existing law (CCPA) requires a conspicuous link and for the purposes of economic analysis this requirement was part of the regulatory baseline, and thus, this comment is now moot.	W9-4 W13-3	0043 0158
– **§ 7003(d)**				
101.	Suggests revising regulations to align with the statutory definition of homepage by clarifying that the consumer must be allowed to access the business's privacy policy prior to downloading the application.	Accept in part. The Agency revised § 7003(d) to reflect that a conspicuous link for a mobile application may be accessible through a link within the application, such as through the application's settings menu, to conform the regulation to the definition of "Homepage" and to provide flexibility in how to provide the required disclosures in a mobile environment.	W90-13	0980
102.	Seeks clarity on how to properly display links required by the CCPA and regulations for mobile applications considering that mobile applications have limited space and mobile application stores may have restrictions on links from the mobile application's download page. Seeks clarity on whether required links placed in the mobile application's privacy policy and under its menu would be deemed "conspicuously placed" under the CCPA and regulations. Suggests that the regulation clarify that links appearing in a similar manner as other mobile application links be deemed conspicuously placed.	Accept in part. The Agency revised § 7003(d) to reflect that a conspicuous link for a mobile application may be accessible through a link within the application, such as through the application's settings menu, to conform the regulation to the definition of "Homepage" and to provide flexibility in how to provide the required disclosures in a mobile environment. To the extent that the commenter seeks additional clarity, it likely requires a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W37-6 W84-5	0388-0389 0917-0918

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
103.	Section 7003(d)'s requirement to make links accessible within mobile applications would require additional costs. This is a cost that should have been addressed in a SRIA.	Accept in part. The Agency has revised this subsection to state that the link may be accessible through a link within the application, and thus, this comment is moot.	W9-5 W13-3	0043-0044 0158
§ 7004. Requirements for Methods for Submitting CCPA Requests and Obtaining Consumer Consent				
– **Comments generally about § 7004**				
104.	Comments support the proposed regulations on dark patterns. One comment supports the proposed regulations appropriately stating that non-compliant design methods may be considered dark patterns that do not result in valid consent. Another comment supports requiring symmetry in the choice and that agreements obtained through the use of dark patterns should not constitute consent. Some comments affirmed the importance of making clear in the regulations that businesses must ensure that their instructions are easily understood and have symmetry in choices, and that the exercise of one's privacy rights should not be subject to unnecessary bureaucratic or administrative steps.	The Agency appreciates these comments in support. No change has been made in response to this comment. The comments concurred with the proposed regulations, so no further response is required.	W10-25 W58-8 W62-4 W62-5 W62-6	0114 0602-0603 0659-0660 0660 0660
105.	Comment supports the intent of § 7004 to ensure that consumers are presented with methods to submit their rights requests.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W69-42	0773
106.	Comment supports the CPRA's goal of providing consumers with clear, meaningful privacy choices and information, and	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W75-23	0827

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	avoiding user interfaces that subvert or impair consumer autonomy.			
107.	Comment supports the conditions for consent laid out in § 7004. Comment also urges the Agency to retain the requirements that consent requests be easy to understand, offer symmetry of choice, avoid confusing elements, and avoid manipulative language or choice architecture.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W83-26 O25-2	0906-0907 D2 17:10-17:18
108.	Comment asserts that the draft regulations would chill constitutionally protected speech in violation of the First Amendment, because the draft regulations' definition of "dark pattern" is nebulous and subjective so that a business subject to the regulations could have little confidence that its user interface will be found to not have the objective effect of "substantially subverting or impairing user autonomy, decision-making, or choice, regardless of [the] business's intent." Faced with practically unresolvable uncertainty about whether its consumer consents will be invalidated after the fact, many businesses will simply decline to collect and use consumer data, preventing them from communicating with their users in ways that are informed by and tailored to those users' interests and preferences. Another comment claims that the draft regulations' treatment of dark patterns raises void-for-	No change has been made in response to this comment. The Agency disagrees with the comment's interpretation of the law and these regulations. First, the comment is primarily directed at the CCPA and not the regulations. Civil Code § 1798.140*(l)* defines dark pattern to mean a user interface designed or manipulated with the substantial effect of subverting or impairing user autonomy, decisionmaking, or choice and Civil Code § 1798.140(h) defines consent to state that agreement obtained through use of dark patterns does not constitute consent. Second, the regulations are reasonably clear and should be understood from the plain meaning of the words. There are no due process issues because § 7004 provides substantial guidance in the form of principles, as well as examples illustrating those principles, to businesses regarding how to craft methods for submitting CCPA requests and obtaining consumer consent that ensures that the consumer's choice is freely made and not subject to undue burden or manipulated, subverted, or impaired through the use of dark patterns.	W77-8 W77-10	0844-0845 0845

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	vagueness concerns under the Due Process Clause of the Fourteenth Amendment because the regulations leave industry members unsure as to what consumer consent mechanisms the CPRA permits.			
109.	Comment claims that § 7004 and the Agency's interpretation of the statute's definition of a "dark pattern" creates at least tension with, if not a violation of, First Amendment principles by prohibiting speech, even if truthful and not misleading, that warns consumers of the consequences of their choices.	No change has been made in response to these comments. To the extent that the comment objects to § 7004(a)(2) and (a)(4), portions of those subsections have been revised, and thus, this comment may be moot. To the extent the comment is regarding portions of the regulation that have not been revised, the Agency disagrees that the proposed regulation prohibits businesses' speech. Section 7004(a) sets forth the principles that businesses must follow in designing and implementing their methods for submitting CCPA request and obtaining consumer consent. *See* ISOR, p. 11. The regulations provide guidance and principles to ensure that the consumer's choice for submitting CCPA requests and providing consent is freely made and not subject to undue burden or manipulated, subverted, or impaired through the use of dark patterns. The regulation protects consumer privacy and enables consumers to exercise their rights under the CCPA. It does not prohibit any content that businesses may wish to include but ensures that consumers have all their options equally accessible to them. Moreover, the regulation does not preclude other means by which businesses may provide information to the consumers.	W14-10 W28-24 W28-27	0165 0289, 0291 0290
110.	Comment claims that in certain sections, the description and definition of what the Agency deems a dark pattern is very clear; however, in other sections the examples are too broad or subjective such as the reference to "more eye-catching color." Comment asks for consistency and clarity.	No change has been made in response to this comment. Section 7004 has been revised in response to other comments, and thus, portions of this comment are now moot. In response to the other portions, the regulations are reasonably clear and should be understood from the plain meaning of the words. Moreover, § 7004 provides substantial guidance in the form of principles, as well as examples illustrating those principles, to businesses regarding how to craft methods for submitting CCPA requests and	W24-14	0233

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		obtaining consumer consent that ensures that the consumer's choice is freely made and not subject to undue burden or manipulated, subverted, or impaired through the use of dark patterns.		
111.	Comment recommends using "harmful pattern" instead of "dark pattern."	No change has been made in response to this comment. The proposed change is inconsistent with the explicit language of Civil Code § 1798.140*(l)*, which explicitly defines the term "dark pattern." The comment offers no support as to why the term "harmful pattern" would better serve the purposes of the CCPA.	W58-9	0602
112.	Comments recommend that the Agency adopt a less prescriptive approach to "dark patterns" to avoid undermining policy goals and the CPRA's intent and to provide a more flexible approach for businesses to choose how to communicate critical privacy information to their consumers. One comment recommends adopting the FTC's approach to dark patterns, which focuses on eliminating practices that are harmful, rather than prescribing specific design practices that will limit innovation and creativity in design.	No change has been made in response to these comments. Civil Code § 1798.140*(l)* sets forth the definition of dark patterns. The regulation is necessary to ensure that consumers can exercise their rights and choices without undue burden and to prevent businesses from engaging in deceptive or harassing conduct. Section 7004 provides substantial guidance in the form of principles, as well as examples illustrating those principles, to businesses regarding how to craft methods for submitting CCPA requests and obtaining consumer consent. The examples provided are illustrative and businesses have flexibility and discretion in how to apply the guidance provided in a manner that best fits their business and customers. Providing these examples is beneficial to consumers and businesses, particularly smaller businesses that lack privacy resources, by clarifying what factors they should consider in crafting their methods. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because it does not give businesses enough guidance to determine whether their methods substantially impair or subvert consumer's choice or place undue burden on consumers' exercise of their CCPA rights. The lack of clarity may also hinder enforcement of the CCPA.	W10-26 W75-24	0114 0828
113.	The draft regulations rely on scholarship that applies different, and lower, standards and definitions than the CPRA for	No change has been made in response to this comment. Section 7004 is informed by significant academic scholarship on the topic of dark patterns and consumer consent, as well as public comments	W77-7	0843-0844

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	determining if an activity is a dark pattern, ranging widely from any "practices in digital interfaces that steer, deceive, coerce, or manipulate consumers into making choices that often are not in their best interests" to any activities that "can distort consumer behavior." This approach inappropriately substitutes the judgment of unelected scholars for the expressed will of the California electorate set forth in the text of the CPRA. Regulations must hew to the constraints of their implementing statute. The proposed regulations on "dark patterns" certainly are no exception, and the CCPA should revise its proposed regulations to conform with the very specific modifiers in the CPRA's definition of a "dark pattern."	submitted to the Agency during preliminary rulemaking activities. It addresses not only narrow situations where consent must affirmatively be given (*e.g.*, when participating in a financial incentive program or opting into the sale of personal information), but general methods for submitting CCPA requests to address abuse by businesses who craft methods in ways that place undue burden on consumers exercising their rights. It benefits businesses by providing clear and extensive guidance on best practices for obtaining consent and includes many illustrative examples that identify common interfaces that impair or interfere with consumers' rights and consent. The section also benefits consumers by identifying and outlawing widespread practices that subvert and manipulate consumer rights and choice. *See* ISOR, p. 11. The regulations are reasonably clear. The regulations track the rights and consent requirements established in the CCPA and conforms closely to the definition of dark patterns provided in Civil Code § 1798.140*(l)*, which provides that a "dark pattern" means a user interface designed or manipulated with the substantial effect of subverting or impairing user autonomy, decisionmaking, or choice, and may be further defined by regulation.		
114.	Comment urges the Agency to revise § 7004 and provide alternative considerations to determine whether a business's user interface should be deemed a dark pattern, such as in the use of trick language that confuses consumers, deceptive or unfair language or interactive elements, bait and switch practices, etc. These edits will facilitate compliance and provide businesses with a better understanding of how the law regulates complicated consent frameworks. In turn,	No change has been made in response to this comment. The comment's interpretation of the CCPA, and its proposed change, is inconsistent with the language, structure, and intent of the CCPA. Calling upon the Agency to limit the definition of dark patterns to only instances of deception would not be in line with the explicit language of Civil Code § 1798.140*(l)*, which defines a dark pattern to exist when the substantial effect of the user interface subverts or impairs consumer choice, without requiring intent of the business when creating the interface. To construe the regulations as narrowly as the comment suggests would render the statute meaningless because the deceptive practices the comment seeks to limit are already unlawful and prohibited. The unfair or deceptive	W77-12	0846

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	businesses will be able to tailor their consent frameworks to particular interactions with users.	acts or practice referenced in the comment are already prohibited in the Unfair and Deceptive Practices Act. *See* Section 5(a) of the Federal Trade Commission Act (FTC Act) (15 USC §45).		
115.	Comment states that mobile app providers often don't control means of obtaining consent—mobile operating system providers do—resulting in mobile app operators not being able to meet § 7004's granularity of choice and symmetry of choice requirements without having to separately present information and obtain consent. Comment recommends requiring mobile operating system operators to change their existing consent mechanisms to align with § 7002 and § 7004; or deeming existing mobile operating system consents to sharing identifiers to be sufficient consent.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. Despite the comment's concerns, the proposed regulations can still be implemented. Moreover, it is important to note that the 'App Tracking Transparency' framework specifies only one type of user identifier for app developers, the Identifier for Advertisers (IDFA). In contrast, Do Not Sell or Share My Personal Information restricts the sale or sharing of consumers' personal information in general. Accordingly, deeming existing mobile operating system consents as sufficient is not more effective in carrying out the purpose and intent of the CCPA. In an effort to prioritize drafting regulations that operationalize and assist in the immediate implementation of the law, the Agency has not addressed whether mobile operating system operators should be required to change their existing consent mechanisms. Further analysis is required to determine whether a regulation is necessary on this issue.	W71-1 W71-10	0791 0794-0795
116.	Comment suggests clarifying that any consent for processing should be made pursuant to a standalone interface, separate from any privacy policy, license agreement, or other longform contract, that on its face clearly and prominently describes the processing for which the company seeks to obtain consent.	No change has been made in response to this comment. The Agency had considered different approaches and determined that a performative standard is necessary to implement the CCPA. The regulations set forth general guidance and provide the business with discretion in determining how to obtain consent that best fits their business and consumers. Further, Civil Code § 1798.140(h) sets forth the requirements for consent and explicitly states that consent must be "specific, informed" and that acceptance of general terms of use or an agreement obtained through use of dark patterns does not constitute consent. The Agency will continue to monitor the marketplace to determine whether the proposed modifications are necessary.	W83-27	0907

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
117.	Commenters identified issues with the inability to find links to the "Do Not Sell My Personal" button, deceptive cookie banners, the lack of clarity in whether a cookie preference is accepted or rejected, and issues with website links timing out user participation. Comment requests that it be standardized. Comment also expressed concern with commenter's own experience requesting personal information with a business and requests for more information. Comment suggested informed consent interfaces be user friendly for industry standard documents such as privacy policies and terms of use.	No change has been made in response to this comment. Section 7004 addresses commenters' concerns regarding businesses' requirements for methods for submitting CCPA requests and obtaining consumer consent. As stated in the regulation, these methods must be easy to understand and execute, provide symmetry in choice, avoid confusing language and interactive elements, and avoid choice architecture that impairs or interferes with the consumer's ability to make a choice. In addition, with respect to "Do Not Sell or Share My Personal Information" links, § 7013(c) requires that the link be a conspicuous link that complies with § 7003(c)-(d) and is located at either the header or footer of the business's internet Homepage(s), among other requirements for the link. No further clarification is needed at this time.	W96-1 W99-1 W101-2	1055 1072 1076
– **§ 7004(a)**				
118.	Comment supports § 7004(a)'s symmetry in choice principle.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W23-6	0224-0225
119.	Comments suggest that several subsections in § 7004(a) be subject to a reasonableness standard and should use subjective criteria. Comments assert that the proposed regulations regarding "symmetry in choice" are too rigid and would impose paternalistic limitations. One comment recommends that there should be an exception to the symmetry standard if a business can demonstrate that it is reasonable for the opt-out process to take more steps than the opt-in process. Another comment recommends the Agency	No change has been made in response to these comments. Section 7004(a) sets forth general principles regarding how businesses are to design and implement methods for submitting CCPA requests and obtaining consent. To help illustrate those principles, the regulation provides various examples of how those principles can be applied. Those examples are beneficial to consumers and businesses, particularly smaller businesses that lack privacy resources. Section 7004 otherwise provides businesses with flexibility and discretion in how to apply the guidance in a manner that best fits their business and customers. Whether a business's method for obtaining consent complies with the law is ultimately a fact-specific determination. The comments' proposed reasonableness standard is not more effective in carrying out the	W14-8 W28-20 W28-25 W28-28 W28-29 W44-17 W63-45 W69-43 W69-44 W89-27 W89-28 W89-33 W97-10	0164-0165 0290-0291 0289-0291 0290 0290 0455 0706 0773 0773 0961-0962 0962 0962 1061

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	not require exact symmetry because an exact symmetry is likely not possible for consumers. One comment suggests that the Agency modify the draft rules to focus on reducing practices that harm consumers rather than prescribing specific design practices. Other comments suggest that § 7004(a)(5) should be subject to a reasonableness standard to allow appropriate flexibility and avoid excessive penalization of businesses.	purpose and intent of the CCPA. The principles provided are flexible for a wide variety of industries and factual scenarios, but also measurable and clearly enforceable. *See* ISOR, p. 12. In drafting these regulations, the Agency considered the impact on businesses and consumers and determined that these clear principles are necessary to implement the CCPA and protect consumers. Regarding the comment suggesting that the Agency not require exact symmetry, § 7004(a)(2) does not require "exact symmetry," but that the privacy-protective option should not be longer or more difficult or time-consuming. The revised section clarifies that a more difficult or time-consuming path can also place undue burden upon or impair or interfere with consumers' choice. Regarding § 7004(a)(5), the regulation uses the word "may" in its examples in § 7004(a)(5)(B)-(C) to indicate that whether there is a violation is a fact-specific determination. Moreover, the Agency has prosecutorial discretion to choose enforcement priorities. *But see* Civ. Code § 1798.185(d) (enforcement may not begin until July 1, 2023). How the Agency decides to exercise its enforcement authority is beyond the scope of the regulations and is a fact-specific determination.		
120.	Comments suggest that § 7004(a) risks undermining consumer choice because the standards contained therein are ambiguous, subjective, and overly restrictive. One comment recommends more clarity about the specific practices that are prohibited under this section to help prevent inadvertent violations of the CPRA statute and regulations. Another comment suggests that the regulations dictate a specific user interface design,	No change has been made in response to these comments. First, the regulations are reasonably clear. Section 7004 provides substantial guidance in the form of principles, as well as examples illustrating those principles, to businesses regarding how to craft methods for submitting CCPA requests and obtaining consumer consent. These principles are meant to ensure that the consumer's choice is freely made and not subject to undue burden or manipulated, subverted, or impaired through the use of dark patterns. Second, the examples provided are illustrative and businesses have flexibility and discretion in how to apply the guidance provided in a manner that best fits their business and customers. Thus, the standard provided is not ambiguous,	W28-26 W34-4 W75-2	0290 0367 0814

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	irrespective of whether any consumer is actually confused or harmed.	subjective, or overly restrictive. To the extent that the comment requests more clarity to prevent inadvertent violations, the Agency has prosecutorial discretion to choose enforcement priorities. *But see* Civ. Code § 1798.185(d) (enforcement may not begin until July 1, 2023). How the Agency decides to exercise its enforcement authority is beyond the scope of the regulations and is a fact-specific determination. Regarding the comment that the Agency dictate a specific user design irrespective of confusion or harm, prescribing a specific user interface is not more effective in carrying out the purpose and intent of the CCPA because the regulations are meant to be robust and applicable to many factual situations and across industries. A one-size fits all approach would be too limiting. Moreover, the comment's interpretation of the CCPA is inconsistent with the language, structure, and intent of the CCPA. Civil Code § 1798.140*(l)* defines dark pattern to mean a user interface designed or manipulated with the substantial effect of subverting or impairing user autonomy, decisionmaking, or choice. The standard for determining a dark pattern is not based upon confusion or harm, but rather on businesses' substantial effect of subverting or impairing user autonomy, decisionmaking, or choice.		
121.	Comment suggests that the draft regulations likely violate the Dormant Commerce Clause, because many of the technical specifications set forth by § 7004 are far more onerous than those contemplated by similar state laws or FTC guidance.	No change has been made in response to this comment. The Agency disagrees that § 7004 violates the Dormant Commerce Clause. States generally have the authority to regulate businesses that engage in commerce with its citizens, including over the Internet. The fact that the CCPA and these regulations extend to businesses operating online does not give rise to a constitutional violation. Furthermore, these regulations facilitate and govern the submission of consumer requests and consent under the CCPA, and a consumer is specifically defined by the law as a California resident. *See* Civ. Code § 1798.140(i), *see* also Civ. Code, § 1798.145(a)(7). The Dormant Commerce Clause prohibits states from discriminating against interstate commerce. *See e.g.*, *Dep't of*	W77-11	0845-0846

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		Revenue of Ky. v. Davis, 553 U.S. 328, 338 (2008). The comment fails to identify any way in which these regulations discriminate against interstate commerce.		
122.	Comment suggests that the Agency provides no reasonable basis for how any of the activities identified in § 7004(a) satisfy the standard set forth in the CPRA. For instance, there is no documented evidence in the record that asymmetry in choice inherently has a substantial effect of subverting or impairing the consumer's ability to self-govern, engage in the act or process of deciding, or have the power to choose.	No change has been made in response to this comment. In drafting these regulations, the Agency considered significant academic scholarship on the topic of dark patterns and consumer choice and consent, as well as public comments submitted to the Agency during preliminary rulemaking activities. *See* ISOR, p. 11. Requiring the business to use the same number of steps for opting out of the sale of the data sets a performance-based standard that is both flexible for a wide variety of industries and factual scenarios, but also measurable and clearly enforceable. It addresses a common dark pattern that researchers characterize as a "roach motel" (easy to get in but hard to get out) and provides a concrete way for businesses to measure whether they are using a minimal number of steps. *See* Luguri & Strahilevitz, Shining a Light on Dark Patterns, (2021) 13 J. Legal Analysis, 43, 49; Complaint at ¶ 8, Fed. Trade Comm'n v. Age of Learning, Inc. (C.D. Cal 2020) (No. 2:20-cv-07996); Thomas Germain, How to Spot Manipulative 'Dark Patterns' Online, Consumer Reports (January 30, 2019). Section 7004(a) sets forth the principles that businesses must follow in designing and implementing their methods for submitting CCPA requests and obtaining consumer consent. It benefits businesses by providing clear and extensive guidance on best practices for submission of CCPA requests and obtaining consent, and it includes many illustrative examples that identify common interfaces that impair or interfere with consumers' rights and consent. It also benefits consumers by identifying and outlawing widespread practices that subvert and manipulate consumer choice and place undue burdens on the exercise of consumers' CCPA rights.	W77-5	0842-0843
123.	Comment suggests that the cumulative effect of the requirements in § 7004(a) will	No change has been made in response to this comment. The regulations provide businesses with flexibility and discretion in how	W63-43	0705

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	be to make user-facing design difficult and that it's unclear whether executing all the requirements simultaneously is achievable in a manner that helps consumers.	to apply the guidance in a manner that best fits their business and customers. Section 7004(a) provides substantial guidance in the form of principles, as well as examples illustrating those principles, to businesses regarding how to craft methods for submitting CCPA requests and obtaining consumer consent. These principles are meant to ensure that the consumer's choice is freely made and not subject to undue burden or manipulated, subverted, or impaired through the use of dark patterns. The section benefits consumers by identifying and outlawing widespread practices that subvert and manipulate consumer choice and the exercise of CCPA rights.		
124.	Comment suggests that the Agency include a clause approximating Easy to Find. Easy to Find is crucial for usability since prior research has shown, for instance, that even when privacy options are available to users, if they cannot find them, they are often unused.	No change has been made in response to this comment. The Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Sections 7003 and 7011 already require that the privacy policy be available through a conspicuous link. Further analysis is required to determine whether a clause approximating Easy to Find is necessary. The Agency may revisit this issue in the future.	W23-2	0222
– **§ 7004(a)(1)**				
125.	Comment suggests deleting "when applicable, they shall comply with the requirements for disclosures to consumers set forth in § 7003" in § 7004(a)(1).	No change has been made in response to this comment. Comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. As explained in the ISOR, the requirement to comply with § 7003 is necessary because it ensures that consumers can understand the processes by which they submit CCPA requests and provide consent. *See* ISOR, p. 11-12.	W28-19	0287
126.	Comments urge the Agency to consider a more objective standard than "easy to understand" considering the ranges of age and sophistication of consumers submitting requests. If the Agency remains reliant on a subjective standard, comments urge the Agency to include examples of what would	No change has been made in response to these comments. The regulation is reasonably clear based on the plain meaning of the words. As explained in the regulations, businesses should use plain language that tells the user exactly what their choices are and how to act on them. This means no legalese, double negatives, or any other form of semantic sleight-of-hand. The Agency has determined that it is not necessary to provide additional guidance	W53-14 W53-15	0564 0564

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	be easy to understand versus overly complicated language.	or examples at this time but will continue to monitor the marketplace and the application of these regulations.		
– **§ 7004(a)(2)**				
127.	Comment suggests that the Agency should clarify that the option to grant consent may be less prominent or more time-consuming than the option to decline consent. One additional sentence clarifying that the option to decline may be easier to exercise, take fewer steps, be more prominent, or be selected by default would be helpful.	Accept in part. Section 7004(a)(2) has been modified to clarify that the symmetry in choice principle also considers whether different paths are more difficult or time-consuming. The difficulty and amount of time it takes for consumers to exercise one option instead of another should also be considered because it can impair or interfere with consumers' choice. The presentation of options to consent or decline must follow the symmetry in choice principle.	W83-29	0908
128.	Comments suggest that the symmetry principle should be crafted to account for situations where the pathway for the privacy-protective option requires more effort and is more burdensome. One comment suggests replacing "shall not be longer" with "shall not require consumers to take more steps or actions."	Accept in part. Section 7004(a)(2) has been modified to clarify that the symmetry in choice principle also considers whether different paths are more difficult or time-consuming. This is necessary because a more difficult or time-consuming path can also impair or interfere with consumers' choice. The comment's proposed change of taking more steps or actions is unnecessary because the phrase is not significantly different than the term "longer."	W10-26 W23-8 W28-20 W59-10	0114, 0116 0225 0287-0288 0611
129.	Comment states that the proposed regulation doesn't provide sufficient guidance to businesses on how to implement the requirements. The Agency should create a safe harbor set of what the Agency views as symmetrical privacy choices.	No change has been made in response to this comment. Section 7004(a)(2) provides substantial guidance in the form of principles, as well as examples applying those principles. The examples provided are illustrative and businesses have flexibility and discretion in how to apply the guidance provided in a manner that best fits their business and customers. Compliance with the CCPA and the regulations is a fact-specific determination. The comment does not provide substantial evidence or justification that the proposed safe harbor is necessary to effectuate the purpose of the CCPA.	W29-5	0323
130.	Comment suggests clarification of the symmetry principle to address situations where friction may be helpful to	No change was made in response to this comment. Section 7004 allows for friction in the process as long as there is symmetry in the consumer's choice. In drafting these regulations, the Agency	W23-7	0225

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	consumers. For example, it would make sense for an email provider to ask, "Are you sure?" before deleting a customer's account and all of their emails, provided confirmshaming and other one-sided techniques are not employed. Such a screen reduces the probability that an unwanted outcome will result from an errant click. But a firm can avoid any concerns about liability for introducing such friction by introducing a symmetrical "are you sure?" prompt at the account creation stage.	considered a more prescriptive approach in setting the number of steps for providing consent and instead opted for a standard that the business would create for themselves. Businesses have flexibility to design and implement their methods for submitting requests and obtaining consent as long as the privacy-protective option is not longer or more difficult or time-consuming.		
131.	Comment suggests replacing "symmetry" with "similarity" because "symmetry" implies "equality," but it's impossible to promote two items "equally" on a web page. By definition, one option must always be to the left of, or above, other options.	No change has been made in response to these comments. The Agency disagrees with the comment's interpretation that the word "symmetry" implies "equality." According to the Merriam-Webster dictionary, "symmetry" means "balanced proportions." The Agency does not equate it to mean "equality." The examples provided in the section clarify the meaning of "symmetry."	W59-9 W59-12	0611 0611
132.	Section 7004(a)(2) requires businesses to review their opt-in banners, re-engineer their opt-out mechanisms, and implement "decline all" buttons. This is different than what is currently required because current CCPA regulations deal with situations when a consumer has opted out and is opting back in. This is a cost that should have been addressed in a SRIA.	No change has been made in response to this comment. For the purposes of its economic analysis the Agency looked to the legal environment that consists of existing California law as well as other relevant privacy obligations to comprise the baseline economic conditions for the proposed regulations. The analysis contemplated whether the proposal created obligations not found in existing law. A SRIA addresses economic impacts caused by the proposed regulation and should not include the baseline costs associated with existing law or regulations. Any costs associated with this subsection is attributable to a requirement in the law because making a choice pathway more difficult, time consuming, or impairing or interfering with the consumer's ability to exercise choice does not satisfy the statutory definition of consent, which	W9-6 W13-3 W77-4	0044-0045 0158 0841

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		must be a freely given, specific, informed, and unambiguous indication of the consumer's wishes and can constitute a dark pattern. Civil Code § 1798.140(h) specifies that consent obtained through a dark pattern is not consent. Thus, there is no regulatory cost to address in a SRIA.		
– **§ 7004(a)(2)(A)**				
133.	Comments suggest that the regulations are inflexible to accommodate different channels and technologies. One comment claims that because consumers visit retail sites via different devices, retailers would not know whether a consumer has opted out and thus opt in is the default. The example provided in § 7004(a)(2)(A) ignores the reality that the steps a consumer must take to effectuate a choice may be different depending on the kind of channels and technologies they are using.	No change has been made in response to these comments. Section 7004(a) sets forth general principles regarding how businesses are to design and implement methods for submitting CCPA requests and obtaining consent. To help illustrate those principles, the regulation provides various examples of how those principles can be applied. Those examples are beneficial to consumers and businesses, particularly smaller businesses that lack privacy resources. Further, § 7004 provides businesses with flexibility and discretion in how to apply the guidance in a manner that best fits their business and customers. Whether a business's method for obtaining consent complies with the law is ultimately a fact-specific determination. Requiring the business to use the same number of steps for opting out of the sale of the data sets a performance-based standard that is both flexible for a wide variety of industries and factual scenarios, but also measurable and clearly enforceable.	W24-13 W44-17	0232-0233 0455
134.	Comment suggests that the example provided in § 7004(a)(2)(A) imposes a hard limit on the number of clicks involved in making a choice, an artificial limitation when some options may involve sub-options, or where their selection may be better informed by presenting the user with additional information before a decision. The example creates vague risk and the possibility of user frustration.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because creating sub-options could be used by businesses to adopt longer paths for consumers to make a choice, thereby subverting or impairing the consumers' decision to opt-out. In drafting the regulations, the Agency considered the impact on businesses and consumers and determined that these regulations are necessary to implement the CCPA. *See* also Response # 133.	W3-8	0013-0014

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
135.	Comment provides an edit to § 7004(a)(2)(A) (incorrectly listed as 7024) to address an inconsistency in the number of steps allowed for opt in and opt out of sales/sharing under 7026(g), which may require more steps. Comment recommends revising § 7004(a)(2)(A) to provide that "a business' process for submitting a request to opt-out of sale/sharing shall not require more steps than that business's process for a consumer to opt-in to the sale of personal information after having previously opted out unless permitted by § 7026."	No change has been made in response to this comment. Section 7004 does not conflict with what is now § 7026(h) and § 7026(i). Under § 7004(a), a business may provide methods for submitting CCPA requests that are "expressly allowed by the CCPA and these regulations," such as in § 7026(h) and (i). However, businesses must still comply with the principles within § 7004 when presenting the options permitted under § 7026(g) and § 7026(i). For instance, if a business is presenting consumers with the choice to opt-out of the sale/sharing for certain uses of personal information as well as a global opt-out under § 7026(h), the business must comply with § 7004, such as by presenting these options in a way that is easy to understand and in a symmetrical manner, among other requirements.	W29-6	0323
– **§ 7004(a)(2)(C)**				
136.	Comment suggests that the proposed regulation is ambiguous as to its scope. It's unclear whether the example refers to a website banner that a consumer might see after opting out or website banners that a consumer might see asking for the consumer to provide a use or direction for the business to disclose personal information in the first instance. The example would mandate that businesses review and/or update their verbiage to include both an "accept all" option and a "decline all" option, instead of "accept all" and "preferences."	No change has been made in response to this comment. Section 7004(a)(2) provides substantial guidance in the form of principles, as well as examples applying those principles. The examples provided are illustrative and businesses have flexibility and discretion in how to apply the guidance provided in a manner that best fits their business and customers. Providing some examples is beneficial to consumers and businesses, particularly smaller businesses that lack privacy resources, by clarifying what factors they should consider in crafting their methods. To the extent that the comment raises specific legal questions and seeks legal advice regarding the CCPA, the commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance.	W9-6	0044-0045
137.	Comments suggest that the proposed regulation is too rigid and will not allow consumers to tailor consents based on their individual preferences. Thus, the Agency's	No change has been made in response to these comments. Section 7004(a) sets forth general principles regarding how businesses are to design and implement methods for submitting CCPA requests and obtaining consent. To help illustrate those principles, the	W3-9 W28-21 W89-29	0013-0014 0288, 0291 0962

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	all-or-nothing approach for symmetry does not protect consumers. One comment states that regulation's ignoring the possibility that the user may wish to support the website operator, while still being protected from cross-site tracking, unnecessarily structures the user and the website in a "hostile by default" relationship.	regulation provides various examples of how those principles can be applied. Those examples are beneficial to consumers and businesses, particularly smaller businesses that lack privacy resources. Section 7004 otherwise provides businesses with flexibility and discretion in how to apply the guidance in a manner that best fits their business and customers. Whether a business's method for obtaining consent complies with the law is ultimately a fact-specific determination. Moreover, there are different ways in which businesses may comply with the laws. Neither the CCPA nor the regulations prescribe that businesses must use the same options, as long as the options comply with the regulations.		
– **§ 7004(a)(2)(D) & § 7004(a)(2)(E)**				
138.	Section 7004(a)(2)(D) requires businesses to review all cookie banners to ensure that the "yes" button is not larger or more eye-catching than the "no" button. This is a cost that should have been addressed in a SRIA.	No change has been made in response to this comment. This subsection has been deleted, and thus, this comment is now moot.	W9-7 W13-3	0045 0158
139.	Comment suggests that the example imposes a vague limitation that a business-preferred option not be presented in a more "eye-catching color" than others. One comment recommends deleting "more prominent (i.e.," the end parenthesis, and "is not symmetrical," because the section assumes that options can have equal prominence. Another comment recommends stating as a rule that the option to grant consent should not be more prominent or selected by default.	No change has been made in response to these comments. Sections 7004(a)(2)(D) and 7004(a)(2)(E) have been revised for other reasons, and thus these comments are now moot.	W3-10 W59-11 W83-28	0013-0014 0611 0908

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
140.	Comment suggests adding "materially" before "larger in size" and adding to the end of the sentence "but colors can be used to aid the consumer's choice (*e.g.*, green for "yes" and red for "no.")."	No change has been made in response to these comments. Section 7004(a)(2)(D) has been revised for other reasons, and thus, this comment is now moot.	W28-22	0288
141.	Comment suggests that default choices may be helpful to consumers in some instances. For example, many credit card issuers provide their customers with 1% cash back on all card purchases. A credit card issuer that enables cash back by default (or that makes cash back a mandatory condition of participating in the card program) rather than forcing customers to affirmatively opt-in to receiving cash back should not be construed as having violated § 7004(a)(2)(E).	No change has been made in response to these comments. Section 7004(a)(2)(E) has been revised for other reasons, and thus, this comment is now moot.	W23-10	0225
– **§ 7004(a)(3)**				
142.	Comment recommends deleting the examples because the regulation should focus on preventing intentionally misleading designs. These strict requirements may be unwieldy or unintentionally undermine consumer choice.	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. Calling upon the Agency to limit the definition of dark patterns to only instances of intentionally misleading designs would not be in line with the explicit language of Civil Code § 1798.140*(l)*, which defines a dark pattern to exist when the substantial effect of the user interface subverts or impairs consumer choice, without requiring intent of the business when creating the interface. To construe the regulations as narrowly as the comment suggests would render the statute meaningless because the deceptive practices the comment seeks to limit are already unlawful and prohibited. The unfair or deceptive acts or practices referenced in the comment are already	W28-23	0288-0289, 0291

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		prohibited in the Unfair and Deceptive Practices Act. *See* Section 5(a) of the Federal Trade Commission Act (FTC Act) (15 USC § 45). The regulations provide necessary and valuable guidance and illustrative examples that help businesses avoid language or interactive elements that are confusing to the consumer.		
143.	Comment suggests that the examples in § 7004(a)(3), yes/no or on/off toggle buttons, are confusing and seem to discourage utilization of toggle buttons. The rules should simply require businesses to clearly indicate consumer choice in a reasonable manner including when using toggle buttons.	No change has been made in response to this comment. The regulations are reasonably clear and should be understood from the plain meaning of the words. Comment misinterprets the regulations. Section 7004(a)(3) provides substantial guidance in the form of a principle that businesses should avoid language or interactive elements that are confusing to the consumer. It provides illustrative examples of how to apply this principle, but they are not intended to be comprehensive. Businesses have flexibility and discretion in how to apply the guidance provided in a manner that best fits their business and customers.	W89-30	0962
– **§ 7004(a)(3)(B)**				
144.	Comment recommends the language in example § 7004(a)(3)(B) to be even clearer as those toggles are always confusing and do require further clarifying language. Comment suggests changing it to: "Toggle or buttons that state 'on' or 'off' may be confusing to a consumer and must be structured in a way that it is clear [to a 6th grader] what the toggle accomplishes."	No change has been made in response to this comment. To prioritize drafting regulations that operationalize and assist in the immediate implementation of the law, the Agency has not addressed specific groups of consumers. Further analysis is required to determine whether a regulation is necessary on this issue.	W90-14	0982
– **§ 7004(a)(4)**				
145.	Section 7004(a)(4)(A) requires business to review all financial incentive programs to ensure that they don't say things like "No, I don't want to save money." This is a cost that should have been addressed in a SRIA.	No change has been made in response to this comment. This subsection has been deleted, and thus, this comment is now moot.	W9-8 W13-3	0045 0158

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
146.	Section 7004(a)(4)(C) requires separate consent pathways, *i.e.*, no bundling of consent. This is a cost that should have been addressed in a SRIA.	No change has been made in response to this comment. For the purposes of its economic analysis the Agency looked to the legal environment that consists of existing California Law as well as other relevant privacy obligations to comprise the baseline economic conditions for the proposed regulations. The analysis contemplated whether the proposal created obligations not found in existing law. A SRIA addresses economic impacts caused by the proposed regulation and should not include the baseline costs associated with existing law or regulations. Any costs associated with this subsection is attributable to a requirement in the law because making a choice pathway more difficult, time consuming, or impairing or interfering with the consumer's ability to exercise choice does not satisfy the statutory definition of consent, which must be a freely given, specific, informed, and unambiguous indication of the consumer's wishes, for a narrowly defined particular purpose, and cannot contain descriptions of personal information processing along with other, unrelated information. In addition, these practices also can constitute a dark pattern under CCPA. Civil Code § 1798.140(h) specifies that consent obtained through a dark pattern is not consent. Thus, there is no regulatory cost to address in a SRIA.	W9-9 W13-3	0046 0158
147.	Comment states that the § 7004(a)(4), provides only "illustrative" examples of prohibited or acceptable conduct, and it will be difficult for businesses to assess whether any alternatives outside of the examples provided in the regulations are "manipulative" and "confusing." In addition, the regulations impose content-based restrictions on speech that violate the First Amendment.	No change has been made in response to this comment. Section 7004(a)(4) has been revised in response to other comments, and thus, portions of this comment are now moot. In response to the other portions, § 7004 provides substantial guidance in the form of principles, as well as examples illustrating those principles, to businesses regarding how to craft methods for submitting CCPA requests and obtaining consumer consent that ensures that the consumer's choice is freely made and not subject to undue burden or manipulated, subverted, or impaired through the use of dark patterns. The examples provided are illustrative and assist in guiding businesses in assessing whether their user interfaces may	W77-9	0845

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		impair or interfere with consumers' choice and thus fail to meet the definition of consent under Civil Code § 1798.140(h). Providing examples is beneficial to consumers and businesses, particularly smaller businesses that lack privacy resources, by clarifying what factors they should consider to determine whether they are placing undue burden on consumers' rights, obtaining consent, or using a dark pattern. Further, the proposed regulations do not impose content-based restrictions on speech. The proposed regulation does not prohibit any content that businesses may wish to include but ensures that the consumer has all their options equally accessible to them and that the choice architecture that a business uses to present those options does not impair or interfere with the consumer's ability to make a choice. Moreover, the regulation does not restrict the specific information that the business may provide.		
148.	Comments claim that the proposed standard is both indeterminate on the businesses' side and overinclusive on the enforcement side. The Agency should conform to the standard of deception and intentionally misleading designs rather than subjective terms such as "manipulative," "guilting," or "shaming."	No change has been made in response to these comments. Section 7004(a)(4) has been modified, and thus, these comments are now moot. To the extent they still apply, the proposed standard of deception and intentionally misleading designs would not be in line with the explicit language of Civil Code § 1798.140*(l)*, which defines a dark pattern to exist when the substantial effect of the user interface subverts or impairs consumer choice, without requiring intent of the business when creating the interface. To construe the regulations as narrowly as the comment suggests would render the statute meaningless because the deceptive practices the comments seek to limit are already unlawful and prohibited. The unfair or deceptive acts or practice referenced in the comment are already prohibited in the Unfair and Deceptive Practices Act. *See* Section 5(a) of the Federal Trade Commission Act (FTC Act) (15 USC § 45).	W28-24 W59-19 W59-20 W89-32	0289, 0291 0612 0612 0962
149.	Comments suggest deleting the "guilt or shame" and "manipulative and shaming" standard. One comment states that the proposed restrictions on "guilting" and	No change has been made in response to these comments. The phrases "guilt or shame" and "manipulative and shaming" have been deleted in § 7004(a)(4), and thus, these comments are now moot.	W10-27 W24-15 W28-24 W59-14	0116 0233 0289, 0291 0612

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	"shaming" are improper. Businesses cannot control or always anticipate consumers' subjective feelings. Several comments recommend replacing "guilts or shames" with "threatens or misleads."		W59-17 W59-18	0612 0612
150.	Comments recommend deleting the phrase "or bundles consent." One comment suggests that the terms "choice architecture" and "bundles consent" are jargon and should be defined.	No change has been made in response to these comments. The Agency has deleted the term "bundles consent" in § 7004(a)(4) for other reasons, and thus, those comments are now moot. Regarding portions of the regulation that have not been revised, the Agency disagrees that the term "choice architecture" needs to be defined. The term "choice architecture" is reasonably clear and should be understood by the plain meaning of the words. Moreover, the examples provided further illustrate what is meant by the term.	W10-27 W24-15 W59-13 W59-15 W59-16	0116 0233 0612 0612 0612
151.	Comment suggests providing clear opt-in/opt-out mechanisms, such that consumers know exactly the choice they are making. Comment recommends adding a statement at the end of § 7004(a)(4), "However, a statement of fact alongside the choice architecture that informs the consumer of the financial or other impact of their decision while not making a claim about the consumer's motives or state of mind will not be construed as manipulative, guilting, or shaming."	No change has been made in response to this comment. Section 7004(a)(4) has been revised, and thus, portions of this comment are now moot. Regarding the comment's proposed revision, it is not more effective in carrying out the purpose and intent of the CCPA. A dark pattern exists when the substantial effect of the user interface subverts or impairs consumer choice. *See* Civ. Code § 1798.140*(l)*. The comment's suggested change provides a prescriptive exception that may be abused by businesses to subvert or impair choice. The proposed regulation's approach of providing general guidance in the form of principles, as well as examples illustrating those principles, is more effective in carrying out the purpose and intent of the CCPA to give consumers have meaningful control over how businesses use their personal information.	W66-6	0726
– **§ 7004(a)(4)(A) & § 7004(a)(4)(B)**				
152.	Delete or revise §§ 7004(a)(4)(A) and (B) for various reasons. One comment claims that the section has the effect of punishing businesses who inform consumers of the consequences of their choices, thereby	No change has been made in response to these comments. The Agency has deleted § 7004(a)(4)(A) and the "manipulative and shaming" language in § 7004(a)(4)(B), and thus, these comments are now moot.	W10-27 W24-15 W28-24 W66-4 W66-5	0116 0233 0289, 0291 0725 0725-0726

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	chilling legitimate constitutionally protected commercial speech. Other comments claim that they prevent explaining the downsides of the consumer's decision, which can benefit consumers. Comments suggest various revisions including creating exceptions and adding "false or misleading" before "reasons."		W66-6 W77-6 W89-34	0726 0843 0962
153.	Comment claims that § 7004(a)(4)(A) would mandate businesses that offer financial incentive programs to review the terminology of their consent mechanisms. If the current terminology doesn't conform to the proposed regulation, the business would need to modify the terminology. Such a change would necessitate website development time and printing costs.	No change has been made in response to this comment. The Agency has deleted this subsection for other reasons, and thus, this comment is now moot.	W9-8	0045
– **§ 7004(a)(4)(C)**				
154.	Comment suggests that the example provided in § 7004(a)(4)(C) implies that it is incompatible for a business to obtain the consumer's consent to share or sell location data when it is obtaining a consumer's location to provide a service. Inability to bundle these choices would require a business to obtain the consumer's location data multiple times which will degrade user experience and privacy and pose undue operational burdens for businesses.	No change has been made in response to this comment. Section 7004(a)(4)(C), now § 7004(a)(4)(B), has been revised to reference § 7002(a), which may render this comment moot. To the extent it still applies, the comment misinterprets the regulation. This regulation provides an example of how a business may bundle consent in a way that manipulates the consumer, i.e., when businesses bundle expected uses with unexpected uses and force consumers to accept certain terms. If the business needs the consumer's location data to provide the service reasonably expected by the consumer, and the business's use and collection is necessary and proportionate for that purpose, there is no need to obtain consent from the consumer.	W89-31	0962

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
155.	Comment suggests adding a sentence at the end of the section: "By contrast, where the use of personal information is compatible with a requested good or service, the business need not offer a separate option. For example, using a consumer's geolocation information to find the closest gas station is compatible with a mobile app that assists consumers in finding prices at local gas stations."	No change has been made in response to this comment. The proposed clarification to § 7004(a)(4)(C) is unnecessary because the regulation is reasonably clear.	W28-24	0289, 0291
– **§ 7004(a)(5)**				
156.	Comments request defining terms "unnecessary burden or friction," "aggressive filters," and "unnecessarily wait" as they are jargon.	No change has been made in response to these comments. The Agency disagrees that the terms need to be defined. The terms are reasonably clear and should be understood by the plain meaning of the words. Moreover, the examples provided further illustrate what is meant by the terms.	W59-21 W59-22 W59-23 W59-24	0612 0612 0612 0612
157.	Comment asserts that § 7004(a)(5)(A) is inconsistent with § 7015(c). The draft regulations state businesses cannot "require the consumer to … scroll through the text of a …. webpage to locate the mechanism for submitting a request to opt-out of sale/sharing." This is potentially inconsistent with the Agency's rules for the alternative opt-out link, which expressly require businesses to direct consumers to a webpage to "locate the [business's] mechanism" for submitting opt-outs.	No change has been made in response to this comment. Comment's interpretation of the regulations is inconsistent with the regulation's language. Section 7004(a)(5) prohibits businesses from adding unnecessary burden or friction to the process by which a consumer submits a CCPA request and § 7004(a)(5)(A) is an example of that unnecessary burden and friction. It states that upon clicking on the "Do Not Sell or Share My Personal Information" link, the consumer should not have to search or scroll through the text of privacy policy or similar document to locate the mechanism by which it can exercise their right. It is consistent with § 7013(f), which requires the link to take the consumer to the interactive form by which the consumer can submit their request to opt-out. Section 7015(c) is regarding the alternative opt-out link, not the "Do Not Sell or Share My Personal Information" link, but again, § 7015(c) is also consistent with § 7004(a)(5)(A) because it requires that the business take the consumer directly to the	W63-44	0705

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		interactive form or mechanism by which they can exercise their rights.		
158.	Comments suggest that the example in § 7004(a)(5)(B) could be applied in an overly burdensome manner and thus should be removed. This example could be interpreted to mean that any broken link or nonfunctional email address creates liability, even though such failures happen despite robust practices to prevent them. These ordinary and isolated technical failures should not be the basis for liability.	No change has been made in response to these comments. The comments misinterpret the regulation. The regulation, as modified, states that a business "may be in violation of this regulation" if it knows of, but does not remedy circular or broken links, and nonfunctional email addresses. The use of the word "may" indicates that whether there is a violation is a fact-specific determination. Moreover, the Agency has prosecutorial discretion to choose enforcement priorities. But *see* Civ. Code § 1798.185(d) (enforcement may not begin until July 1, 2023). How the Agency decides to exercise its enforcement authority is beyond the scope of the regulations and is a fact-specific determination.	W28-25 W43-2 W44-30 W52-68	0289-0291 0437 0460 0555
– **§ 7004(b)**				
159.	Comment suggests that the proposed regulations should eliminate the rigid mandate that any method that does not comply with all of the concepts listed in § 7004(a) may be considered a dark pattern. There should be flexibility in assessing whether a particular practice is in fact a dark pattern and the items listed in § 7004(a), as well as others, can be among the factors that are considered when determining whether a particular practice meets the definition of a dark pattern.	No change has been made in response to this comment. The comment misinterprets the regulation. This section clarifies that a method that does not comply with § 7004(a) may be considered a dark pattern and explains that any agreement obtained through the use of dark patterns shall not constitute consent in accordance with Civil Code § 1798.140(h). The use of the word "may" indicates that whether there is a violation is a fact-specific determination. Moreover, the Agency has prosecutorial discretion to choose enforcement priorities. But *see* Civ. Code § 1798.185(d) (enforcement may not begin until July 1, 2023). How the Agency decides to exercise its enforcement authority is beyond the scope of the regulations and is a fact-specific determination.	W11-6	0144
160.	Comments suggest reconsidering the definitions of "dark pattern" and defining "user interfaces." The CPRA authorizes the CPPA to define "dark patterns" only with respect to "user interfaces" but parts of § 7004(a) reach beyond "user interfaces,"	No change has been made in response to these comments. The Agency disagrees that the term "dark pattern" needs to be redefined and that "user interfaces" needs to be defined. The terms are reasonably clear and should be understood by the plain meaning of the words. Section 7004 provides substantial guidance to businesses in the form of principles, as well as examples	W59-25 W59-26 W59-27 W59-28 W59-29 W59-30	0612 0612 0612 0612 0612 0612

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	such as restrictions on a product's "choice architecture." The Agency should reevaluate its definition of "dark patterns" so that it stays within the scope of authority.	illustrating those principles, regarding how to craft methods for submitting CCPA requests and obtaining consumer consent that ensures that the consumer's choice is freely made and not subject to undue burden or manipulated, subverted, or impaired through the use of dark patterns. The examples provided are illustrative and businesses have flexibility and discretion in how to apply the guidance provided in a manner that best fits their business and customers. Moreover, § 7004 is not outside of the scope of the Agency's authority.		
161.	Comment suggests the Agency make clear that a user interface constitutes a dark pattern only when it has the "substantial effect" required by law. The proposed regulations provide that any user interface that fails to meet the requirements "may be considered a dark pattern," irrespective of whether the user interface actually has a "substantial effect" of subverting or impairing consumer decisionmaking.	No change has been made in response to this comment. The regulations are consistent with the language, structure, and intent of the CCPA. Section 7004(b) clarifies that a method that does not comply with § 7004(a) may be considered a dark pattern and explains that any agreement obtained through the use of dark patterns shall not constitute consent in accordance with Civil Code § 1798.140(h). The use of the word "may" indicates that whether a particular method is a dark pattern is a fact-specific determination that applies the relevant statutory provisions and regulations. The Agency has determined that the proposed clarification is not necessary.	W75-25	0828
– **§ 7004(c)**				
162.	Comments suggest that the draft regulations subject businesses to strict liability regarding the development and implementation of their user interfaces. A business should not be punished for something it did not intend or cause nor could have prevented. Comments recommend the Agency adopt a more measured approach that considers the business's intent, knowledge, good faith effort, and other relevant factors.	No change has been made in response to these comments. Section 7004(c) has been revised to reiterate that the statutory definition of a "dark pattern" does not require that the business intended to design a user interface to have the substantial effect of subverting or impairing consumer choice. Intent may be a factor to be considered, but it is not determinative. *See* Civ. Code § 1798.140*(l)*. To the extent that the comment requests that the Agency to adopt a "more measured approach," the Agency has prosecutorial discretion to choose enforcement priorities. *But see* Civ. Code § 1798.185(d) (enforcement may not begin until July 1, 2023). How the Agency decides to exercise its enforcement authority is beyond	W11-7 W14-9 W25-3 W25-4 W34-2 W34-3 W37-27 W43-3 W45-3 W45-4 W52-66	0144 0165 0240-0241 0241 0367 0367 0395-0396 0437 0468 0468 0554

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	Alternatively, if the regulations retain strict liability, some comments request that the Agency also establish a safe harbor provision that protects businesses from liability for violations that could not have been prevented or expected.	the scope of the regulations and is a fact-specific determination. Regarding the comment that suggests establishing a safe harbor provision, compliance with the CCPA and the regulations is a fact-specific determination. The comments do not provide substantial evidence or justification that the proposed safe harbor is necessary to effectuate the purpose of the CCPA.	W77-3 W84-6 W97-11	0841-0842 0918-0919 1061-1062
163.	Comments suggest that the regulations fail to make clear what qualifies as "substantial effect." The statutory language makes clear that it is not enough for the user interface to have any or some effect. Rather, the effect must be "substantial."	No change has been made in response to these comments. The regulations use of the term "substantial effect" is reasonably clear and should be understood by the plain meaning of the words. Moreover, the examples provided further illustrate what is meant by the term.	W43-4 W77-3	0437 0841-0842
ARTICLE 2. REQUIRED DISCLOSURES TO CONSUMERS				
– **Comments generally about Article 2**				
164.	The Agency should consider providing compliance guidelines for information and other required disclosures, like the guidelines provided by the FTC or EU.	No change has been made in response to this comment. The comment does not provide sufficient specificity to the Agency to make any modifications to the text. Article 2 of these regulations already provides businesses guidance regarding the required disclosures under the CCPA. To the extent the comment suggests the Agency consider other privacy laws and other regulators' approaches, the Agency seeks to harmonize with other privacy laws and regulatory approaches to the extent that doing so is consistent with, and furthers the intent and purposes of, the CCPA.	W23-4	0222
165.	Requirements as to the form and content of privacy notices are overly prescriptive, inconsistent with the statute, unclear, exceed what's required by current rules and other US privacy frameworks, and/or exceed the statutory text and risk confusing consumers. Comment recommends that regulations include alternative provisions clarifying that businesses may forego the	No change has been made in response to this comment. The CCPA sets forth the requirements for the privacy policy and other notices in the regulations. *See* Civ. Code §§ 1798.100(a), 1798.120(b), 1798.121(a), 1798.125(b)(2), 1798.130(a)(5), 1798.135(a). The regulations are necessary to ensure that the privacy policy and other notices contains the necessary information and is provided in a manner that makes it easily understandable to the average consumer, as required by Civil Code § 1798.185(a)(6). Moreover, the proposed regulations primarily update existing CCPA	W52-14 W52-39	0529-0530 0539

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	prescriptive requirements where they demonstrate a more consumer-friendly and privacy protective approach and proposes adding to the end of § 7011(b) "including as to the interpretation and implementation of this section 7011." Suggests conforming edits to §§ 7012(b), 7013(b), 7014(b), and 7016(b).	regulations to harmonize them with CPRA amendments to the CCPA. The requirements are generally not new requirements and are already in effect. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because the Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope. Regarding the comment about other US privacy frameworks, the Agency seeks to harmonize with other privacy laws only to the extent that doing so is consistent with, and furthers the intent and purposes of, the CCPA.		
166.	Comment notes that any third-party involvement in the collection of personal information must be communicated to consumers with notice.	No change has been made in response to this comment, which is an observation rather than a specific objection or recommendation regarding the regulation(s). The comment does not provide sufficient specificity for the Agency to make any modifications to the text. To the extent that the comment is referring to third parties that control the collection of personal information, Civil Code § 1798.100(a), (b), and § 7012(g) already set forth the requirements for third parties to give notice.	W11-41 W11-43 W11-44	0151 0152 0152
167.	With respect to §§ 7013(e)(3)(A)'s and 7014(e)(3)(A)'s examples of a brick-and-mortar business being required to provide notice through an offline method (e.g., paper forms or signage), the Agency should prioritize regulating notices for point-of-sale systems in the future, because it's unrealistic for consumers to remember a URL and to have to log on after their transaction to protect their privacy.	No change has been made in response to this comment. The Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on this issue is necessary.	W90-19	0994, 0996
168.	Resolve any conflict in wording between the statute and the regulations, to align with the spirit of the regulation using straightforward and meaningful language.	No change has been made in response to this comment. The Agency does not agree that there is a conflict between the regulations' requirements for disclosures and communications to consumers to be easy to read and understandable to consumers,	W76-2	0835

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	Comment contends that the regulation's requiring all communications with consumers to be in straightforward, meaningful language contradicts the statute's requirement to use specific terms in Civil Code §§ 1798.130(c), 1798.140(v), and 1798.140(ae) for the Notice at Collection and for responding to consumers' requests to know.	and the CCPA's requirements to use specific terms to describe categories of personal information and categories of sensitive personal information. Moreover, the Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.		
§ 7010. Overview of Required Disclosures				
– **Comments generally about § 7010**				
169.	Concerned deletion of "from a consumer" from regulations suggests that the notice at collection applies to personal information obtained from both third parties and from consumers and is inconsistent with § 7012(a) of the proposed regulations.	Accept. Section 7010(b) has been revised to include "from a consumer" to clarify that the Notice at Collection is a requirement for businesses that are collecting information from the consumer. This revision conforms this subsection to the language in subsection 7012(a).	W43-5 W52-43	0437 0540
170.	Suggests Agency promulgate regulations requiring a standardized location for a business's privacy information and required disclosures, *e.g.*, www.[platform].com/.	No change has been made in response to this comment. The Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Sections 7003 and 7011 already require that the privacy policy be available through a conspicuous link. Further analysis is required to determine whether a standardized location for a business's privacy policy is necessary. The Agency may revisit this issue in the future.	W23-3	0222
171.	Comment believes consumers should be informed about the ways in which businesses will collect, use, and disclose their personal information and encourages the Agency to continue supporting transparency-based approaches as it develops new regulations, giving	No change has been made in response to this comment. The comment does not provide sufficient specificity to the Agency to make any modifications to the text. Moreover, the comment appears to support the proposed regulations, so no further response is required.	W37-1 W51-3 W60-4	0385-0398 0509-0511 0625

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	consumers more transparency and control regarding the collection, use, and sharing of their personal information.			
172.	Regulations add new disclosure requirements. Comment believes the complexity and cost of complying with the proposed disclosure requirements far outweigh any consumer benefit. Comment specifically states that many insurance customers already receive a notice relating to insurance practices, and providing lengthy disclosures in addition will bring complexity and confusion to customers.	No change has been made in response to this comment, which appears to be an observation rather than a specific objection or recommendation regarding the regulation(s). The CCPA imposes the disclosure requirements (*see, e.g.*, Civ. Code § 1798.130(a)) and the regulations are consistent with and implement the requirements. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope. To the extent this comment involves harmonizing the CCPA with the existing Insurance Code provisions and regulations relating to consumer privacy, in compliance with Civil Code § 1798.185(a)(21), the Agency is reviewing current and proposed insurance privacy laws and will issue any necessary regulations at a future date.	W65-4	0717
173.	Proposed regulations should not regulate as a financial incentive or price/service difference any incentives or differences that are not directly related to a consumer's exercise of her rights under the CCPA. Seeks an additional example of what is not a financial incentive to clarify the regulations.	No change has been made in response to this comment. The regulations require a business to provide a Notice of Financial Incentive in accordance with the CCPA, which states that if a business offers "financial incentives … for the collection of personal information, the sale or sharing of personal information, or the retention of personal information," the business must "notify consumers of the financial incentives pursuant to Section 1798.130." Civ. Code § 1798.125(b)(1)-(2). The Agency has determined that no further clarification is needed at this time. To the extent that the comment seeks additional clarity, it likely requires a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W52-67	0555

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
§ 7011. Privacy Policy				
– **Comments generally about § 7011**				
174.	Comment supports how the draft regulations in § 7011 align with the statutory requirements.	The Agency appreciates this comment in support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W63-9	0683
175.	Appreciates the checklist format of § 7011, which details all the requirements for company privacy policies.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W53-2	0560-0561
176.	Concerned that § 7011 requires a substantial volume of specific information to be included in privacy policies that will overwhelm or confuse users and make it more difficult to compare or differentiate between businesses' privacy practices.	No change has been made in response to this comment. The comment does not propose specific amendments to the proposed regulations and does not provide sufficient specificity to the Agency to make any modifications to the text of the regulations. Civil Code § 1798.130(a)(5) requires a business to disclose certain information in its privacy policy. The purpose of § 7011 is to set forth the rules and procedures businesses must follow regarding the form, content, and posting of the privacy policy. The regulation is necessary to ensure that the privacy policy contains the necessary information and is provided in a manner that makes it easily accessible and understandable to consumers. In drafting the regulations, the Agency reorganized § 7011 to better assist businesses and consumers in understanding what information must be included in the privacy policy. *See* ISOR, pp. 14-16.	W3-4 W6-2	0012-0013 0028-0030
177.	Comment states that it is impractical and unrealistic for entities doing business internationally to adopt separate and distinct privacy policies. Members of commenter's organization operate internationally in accordance with global privacy laws and have attempted to establish uniform privacy policies that harmonize the GDPR with the CCPA.	No change has been made in response to this comment. The comment does not provide sufficient specificity to the Agency to make any modifications to the text. The CCPA includes the statutory requirements for notices to consumers, and the regulations are consistent with and implement those requirements. The Agency has worked to harmonize the regulations with other privacy laws, but only to the extent that doing so is consistent with, and furthers the intent and purposes of, the CCPA. The ISOR and FSOR sets forth in greater detail the purpose and necessity of each of the regulations.	W20-3	0205

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
– **§ 7011(d)**				
178.	Seeks clarification that if the privacy policy link is placed in the mobile application's "hamburger menu or gearbox," it will be deemed "conspicuously placed" under the CCPA and the regulations.	No change has been made in responds to this comment. However, the Agency revised § 7003(d) to reflect that a conspicuous link for a mobile application may be accessible through a link within the application, such as through the application's settings menu, to conform the regulation to the definition of "Homepage" and to provide flexibility in how to provide the required disclosures in a mobile environment. To the extent that the commenter seeks additional clarity, it likely requires a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W37-7	0388-0389
179.	Expresses concerns that requiring separate and distinct hyperlinks to CCPA-mandated privacy policies will cause a proliferation of hyperlinks and notices in opposition to simplification or clarification of consumer rights.	No change has been made in response to this comment. Civil Code § 1798.130(a)(5) requires a business to disclose certain information in its privacy policy or if the business does not maintain those policies, on its internet website in a form reasonably accessible to consumers. It does not require that the privacy policy be separately titled for California but allows businesses to do so if they chose. *See* Civ. Code § 1798.135(d). To the extent that the comment also criticizes requirements to post a "Do Not Sell or Share My Personal Information" link and a "Limit the Use of My Sensitive Personal Information" link, these are required by Civil Code § 1798.135. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W6-2	0028-0030
– **§ 7011(e)**				
180.	Believes requirement to identify "categories of sources" from which personal information is collected under § 7011(e)(1) is "a good start but would be much better to list the companies."	The Agency appreciates this comment of support. No change has been made in response to this comment. Civil Code § 1798.130(a)(5) requires a business to disclose certain information in its privacy policy, including "categories of sources from which consumers' personal information is collected." The Agency believes that the language of § 1798.130 is easily understood by the persons directly affected by the proposed regulations. Absent a specific showing that the suggested requirement is needed, further analysis	W58-25	0607

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		is required to determine whether a regulation requiring the disclosure of the actual sources of personal information is necessary.		
181.	Contends the regulation requires a business's privacy policy to include content not referenced in the statute, including "a comprehensive description" of the business's online and offline practices regarding the collection, use, sale, sharing, and retention of personal information, and requires businesses to provide details on a category-by-category basis in a manner that goes beyond what the CCPA requires.	No change has been made in response to this comment. Section 7011(e)'s requirements implement the statutory requirements for privacy policies and are reasonably clear. The comprehensive description of the business's information practices comprises the specific disclosures required under CCPA. In addition, a category-based approach is consistent with Civil Code § 1798.130(a)(5), which requires including categories of personal information the business has collected and categories of personal information that the business has disclosed for a business purpose or sold, among other requirements. Lastly, Civil Code § 1798.185(a)(6) and (b) provide the Agency with the authority to establish "rules and procedures to further the purposes of Sections 1798.105, 1798.106, 1798.110 and 1798.115" and adopt regulations as necessary to further the purposes of the CCPA. Section 7011(e) is necessary to ensure that the privacy policy contains the necessary information and is provided in a manner that makes it easily understandable to the consumer, as required by Civil Code § 1798.185(a)(6). *See also* ISOR, p. 15-16.	W11-1 W11-2 W11-8 W11-9 W14-11 W25-5 W45-5	0141-0142 0142 0145 0145 0165 0241 0468
182.	Expresses concerns about the requirement that privacy policies include a "comprehensive description" of online and offline collection, use, sharing, and retention practices, which could be understood to contemplate a single privacy policy with exhaustive descriptions of every data point a business collects. Recommends regulations instead permit businesses to inform consumers of their	No change has been made in response to this comment. The regulations are "not meant to prescribe the organization of any business's privacy policy." *See* ISOR, p. 16. The regulations provide the business with discretion in determining how to provide a comprehensive description of its online and offline collection, use, sharing, and retention practices to comply with the CCPA's requirements for privacy policies in Civil Code §§ 1798.130, 1798.135. They provide general guidance and were drafted to make it easier for businesses "to use the regulation as a checklist to ensure that all the information necessary is included in their privacy policy." *Id.* The regulations are meant to be applicable to many	W75-10	0818-0820

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	data practices through layered and context-appropriate notices.	factual situations and across industries. To the extent that the commenter seeks additional clarity, it likely requires a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.		
183.	Requiring disclosure of offline personal information privacy practices in a business's online privacy policy or website is a break from existing practice, would result in long, undigestible disclosures, and may cause confusion to visitors of the website, particularly where online and offline data practices vary.	No change has been made in response to this comment. The comment's interpretation of the CCPA, and its proposed change, is inconsistent with the language, structure, and intent of the CCPA. Civil Code § 1798.175 states that the provisions of the CCPA are not limited to information collected electronically or over the Internet but apply to the collection and sale of all personal information collected by a business from consumers. Civil Code § 1798.130(a)(5) requires a business to disclose certain information in its online privacy policy or if the business does not maintain such a policy, on its internet website. It does not limit the disclosure to only online data practices. The regulation is necessary to ensure that the privacy policy contains the necessary information and is provided in a manner that makes it easily accessible and understandable to consumers. *See* ISOR, pp. 14-16.	W44-25 W44-26 W72-6	0458 0458 0799-0800
184.	Expresses concern that the requirement under § 7011(e)(1)(C) to identify the "specific business or commercial purposes" for collecting personal information could be read to require a one-to-one accounting of uses with specific data categories, which the commenter does not believe is contemplated by CCPA and would be challenging for businesses and confusing to consumers because "privacy policies would likely be transformed into a complex, difficult-to-read data catalog."	No change has been made in response to this comment. The comment's interpretation of the regulation is inconsistent with the regulation's language. Section 7011(e)(1)(C) requires the identification of "the specific business or commercial purpose for collecting personal information from consumers." Civil Code § 1798.130(a)(5) requires a business to disclose certain information in its privacy policy, including "business or commercial purpose for collecting, selling, or sharing consumers' personal information." Section 7022(e)(1)(C) further requires the purpose to "be described in a manner that provides consumers a meaningful understanding of why the information is collected."	W63-11	0684

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
185.	Expresses concern that disclosing "granular detail on uses of specific data elements" under § 7011(e)(1)(C) could reveal details about personal information held by a company, including specific data elements used for security purposes, which could be valuable information to malicious actors.	No change has been made in response to this comment. The comment's interpretation of the regulation is inconsistent with the regulation's language. Section 7011(e)(1)(C) requires the identification of "the specific business or commercial purpose for collecting personal information from consumers." The regulations do not require businesses to reveal details about personal information held by businesses in such granular detail as to pose a risk to security, and the comment does not provide evidence of such a risk.	W63-11	0684
186.	Believes requiring the "categories of third parties" to whom personal information was sold or shared under §§ 7011(e)(1)(E) and (I) is inadequate and that company names must be listed.	No change has been made in response to this comment. Civil Code § 1798.130(a)(5) requires a business to disclose certain information in its privacy policy, including "categories of third parties to whom the business discloses consumers' personal information." Further analysis is required to determine whether the modification proposed is necessary.	W58-26 W58-28	0607 0607
187.	Regulations require a business to identify "the categories of third parties to whom" the personal information was sold, shared, or disclosed for a business purpose, which is a level of detail not required by the CCPA and would not be helpful to consumers who have no right to opt-out of sharing to service providers who assist with various business functions.	No change has been made in response to this comment. Civil Code § 1798.130(a)(5) requires a business to disclose certain information in its privacy policy, including "[f]or purposes of subdivision (c) of Section 1798.110" the "categories of third parties to whom the business discloses consumers' personal information." The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W63-10	0683-0684
188.	Regulations require businesses to provide details in privacy policy on a category-by-category basis in a manner that is extremely difficult to maintain in an accurate fashion and will incentivize businesses to adopt "cookie-cutter" and highly legalistic disclosures, which are likely to hinder rather than aid businesses' efforts	No change has been made in response to this comment. Civil Code § 1798.130(a)(5) requires a business to disclose certain information in its privacy policy or if the business does not maintain those policies, on its internet website in a form reasonably accessible to consumers, including categories of personal information the business has collected and categories of personal information that the business has disclosed for a business purpose or sold, among other requirements. In drafting the regulations, the Agency worked	W11-1 W11-2 W11-9 W75-11	0141-0142 0142 0145 0818

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	to "specifically and clearly inform consumers" and provide consumers with a "meaningful understanding" of their data practices.	to consolidate all statutory requirements for the privacy policy, which are distributed throughout the CCPA, and other helpful information, making the privacy policy a useful resource for consumers and others interested in evaluating the effectiveness of the CCPA. The reorganization is not meant to prescribe the organization of any business's privacy policy, but it does conform to how many businesses already organize their privacy policy. Thus, it is beneficial to businesses because it makes it easier for them to use the regulation as a checklist to ensure that all the information necessary is included in their privacy policy. *See* ISOR, pp. 15–16.		
189.	Suggests "actual knowledge" under § 7011(e)(1)(G) be changed to "constructive knowledge," which would enable efficient enforcement while minimizing age verification because the current knowledge requirement is not adequately robust and leaves children and minors vulnerable.	No change has been made in response to this comment. Civil Code § 1798.120(c) provides for certain restrictions on the sale or sharing of personal information of consumers if the business has actual knowledge that the consumer is less than 16 years of age. Further analysis is required to determine whether a regulation on this issue is necessary.	W58-27	0607
190.	Believes regulations require businesses to make affirmative statements regarding the processing of personal information and opt-out signal receipts of minors, even where a business may be unable to confidently make such statements. Recommends regulations require these online disclosures in § 7011(e)(1)(G) and (3)(F) only to the extent that the business "knows or has reason to know the subject of the disclosure."	No change has been made in response to this comment. The comment's interpretation of the regulation is inconsistent with the regulation's language. Section 7011(e)(1)(G) already references whether a business has "actual knowledge that it sells or shares the personal information of consumers under 16 years of age." Section 7011(e)(3)(F) requires an explanation of how an opt-out signal will be processed and how the consumer can use an opt-out preference signal, which the business should be able to describe. To the extent that the commenter seeks additional clarity, it likely requires a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W72-7	0800
191.	Concerned businesses could be subject to deception claims from the Federal Trade	No change has been made in response to this comment. The subject of the comment appears to raise specific legal questions	W44-24	0458

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	Commission or state authorities if businesses do not update their privacy policies immediately after gaining actual knowledge that they sell or share personal information of consumers under age 16.	that would require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.		
192.	Believes § 7011(e)(1)(H), (I), and (J) are overly broad and should be limited to sale and sharing, which the comment believes is more in keeping with the underlying purpose of the CCPA and CPRA and provides consumers with more specific and useful information.	No change has been made in response to this comment. Civil Code § 1798.130(a)(5) requires a business to disclose certain information in its privacy policy, including a "list of the categories of personal information it has disclosed about consumers for a business purpose in the preceding 12 months," the "categories of third parties to whom the business discloses consumers' personal information," and "business or commercial purpose for collecting, selling, or sharing consumers' personal information." The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W35-6	0372
193.	Recommends adding two additional subsections to § 7011(e)(1) that require (1) the identification of the specific business or commercial purpose for which the business uses or discloses sensitive personal information regardless of whether it falls within a § 7027 exception; and (2) a log of material changes retained as copies of previous versions of a business's privacy policy for at least 10 years, including describing the date and nature of each material change to its privacy policy over the past 10 years.	No change has been made in response to this comment. The Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on these issues is necessary.	W60-31	0636
194.	Suggests that the Agency clarify that neither the CCPA nor its regulations prohibit a business from explaining in its privacy policy that because the entity is	No change has been made in response to this comment. Civil Code § 1798.130(a)(5)(A) requires a business to provide a description of consumers' rights, even when a business does not have to comply with the consumer's request. Section 7011(e) provides a list of all	W97-12	1062

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	exempt from the CCPA, or because the personal information collected, processed, sold, or disclosed by the entity is exempt, consumers' requests to exercise their rights under the CCPA may be denied.	items that must be included in the privacy policy, as required by the CCPA, but it does not prohibit additional information from being included. To the extent that the commenter seeks additional clarity, it likely requires a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.		
195.	Believes businesses that do not sell or share personal information should be exempted from requirements to disclose in their privacy policy how the business would process opt-out preference signals (§ 7011(e)(3)(F) and (G)) to prevent confusion for consumers about whether their personal information is being sold or shared or that such requirements be optional for business that do not sell or share personal information.	No change has been made in response to this comment. However, § 7025(b) and (c)(1) have been amended to clarify that a business that does not sell or share personal information is not required to process an opt-out preference signal as a valid request to opt-out of sale/sharing, and thus, this comment is now moot. Section 7011(e)(3) instructs that the business is to explain how consumers can exercise their CCPA rights with that business.	W35-7 W53-12	0372 0563
196.	Suggests delaying the requirement that businesses include in their privacy policies information related to how they will process user opt-out preference until the concept is further socialized with all businesses.	No change has been made in response to this comment. Section 7026(c) of the current CCPA regulations already requires businesses to honor as a valid request to opt-out user-enabled global privacy controls. *See also* Final J. & Permanent Inj., *California v. Sephora USA, Inc.*, No. CGC-22-601380 (Super. Ct. S.F. City & Cty. Aug. 24, 2022), https://oag.ca.gov/system/files/media/pea-sephora-filed-judgment.pdf. Businesses should already be complying with this requirement, and thus, there is no reason to delay.	W53-11	0563
197.	Recommends modifying § 7011(e)(3)(F) to require that a business only inform the consumer that it will process opt-out preference signals it encounters and provide a general description of how a business will process the "Global Privacy	No change has been made in response to this comment. The Agency has made efforts to limit the burden of the regulations while implementing the CCPA. The comment's interpretation of the regulation is also inconsistent with the regulation's language. Section 7011(e)(3)(F) requires an explanation of how an opt-out preference signal will be processed for the consumer and how the	W66-7	0726-0727

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	Control opt-out signal, the industry-leading opt-out signal," because current regulation "would be burdensome for a business to conceptualize all the ways they might process these signals and for a consumer to read all the possible permutations."	consumer can use an opt-out preference signal. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA by limiting the explanation to just one opt-out preference signal to the exclusion of other consumer choices.		
198.	Recommends revising § 7011(e)(3) to require companies in their privacy policies to specifically identify the opt-out preference signals ("OOPS") they treat as valid opt-out requests because such a requirement will provide needed transparency and accountability from companies and go a long way towards making OOPSs reliable for consumers.	No change has been made in response to this comment. Subsections 7011(e)(3)(B) and (F) already require a business to explain the different ways in which the consumer can submit a CCPA request (which includes requests to opt-out of sale/sharing), how an opt-out preference signal will be processed for the consumer, and how the consumer can use an opt-out preference signal. Comment's proposed change is unnecessary.	W83-9	0903-0904
199.	Believes § 7011(e)(3)(I) requiring the privacy policy to include a statement as to whether the business has actual knowledge that it sells or shares the personal information of consumers under 16 years of age goes beyond the requirements of the CCPA.	No change has been made in response to this comment. As an initial matter, § 7011(e)(3)(I) is not a new requirement. It was formerly § 7011(c)(8) and has not changed in substance. The Agency simply reorganized § 7011 to assist businesses and consumers in understanding what information must be included in the privacy policy. *See* ISOR, pp. 14-16. Nevertheless, Civil Code § 1798.185(a)(4), (a)(22), and (b) provide the Agency with authority to establish rules and procedures to ensure that notices and information that businesses are required to provide are provided in a manner that is easily understood by the average consumer, to harmonize notices to consumers to promote clarity and functionality, and to adopt additional regulations as necessary to further the purposes of this title. This regulation is necessary because Civil Code § 1798.120(c) provides for certain restriction on the sale or sharing of personal information of consumers if the business has actual knowledge the consumer is less than 16 years of age. Without an understanding of whether the business has	W44-23	0458

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		actual knowledge that it sells or shares personal information, consumers and regulators would not know whether Civil Code § 1798.120(c) and §§ 7070-7072 apply.		
200.	Because businesses use a combination of means to interact with consumers, identifying the primary method of interaction as required by § 7011(e)(3)(J) is difficult and designating such a particular contact method in privacy notices inhibits the ability of businesses to adopt the simplest and most efficient means for addressing consumers' questions and requests; proposes revising the regulation to either remove the requirement to identify the primary manner of interaction or amend it to say "one of the primary ways" or something similar.	No change has been made in response to this comment. The proposed change is not more effective in carrying out the purpose and intent of the CCPA because the manner in which the business primarily collects personal information likely encompass the different ways in which a consumer interacts with the business. This language is necessary to prevent businesses from using obscure methods for consumers to submit such requests as a way of discouraging consumers from exercising their rights. Similarly, this provision is necessary to prevent businesses from picking obscure methods of contact in order to discourage consumers from asking questions or raising concerns about the businesses' privacy policies and practices.	W24-16 W52-41	0233 0539-0540
§ 7012. Notice at Collection of Personal Information				
– **Comments generally about § 7012**				
201.	Comment agrees that only businesses that control the collection of a consumer's personal information are required to provide a notice at collection.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulation, so no further response is required.	W20-15	0208
202.	Comment appears to support the regulations' requirements that businesses that control the collection of personal information provide notice at collection, including comprehensive description of online & offline practices, because they are similar to its own criteria that "all [businesses] must provide complete & accurate notices."	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required. The Agency makes no statement regarding the ISL framework.	W58-4	0602

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
203.	Comment asserts that the term "business practices" is not used consistently throughout § 7012. In § 7012(e)(6), the term "business practices" is used. However, subsequent illustrative examples use the term "information practices" in § 7012(g)(4)(A) and generic "practices" of a business in § 7012(g)(4)(B) to reference the same concept. The Agency should use "business practices" in both § 7012(g)(4)(A) and § 7012(g)(4)(B).	Accept in part. Section 7012(g)(4)(A), now § 7012(g)(3)(A), has been modified to use the newly added defined term "Information Practices." § 7001(o). Section 7012(e)(6) and relevant portions of § 7012(g)(4)(B), now § 7012(g)(3)(B), have been deleted for other reasons, and thus, this comment is now moot as it pertains to those sections.	W78-8	0856-0857
204.	Comments suggest deleting or revising the requirement that the first party identify by name all the third parties that control the collection of personal information or include information about the third parties' information practices within its notice at collection. Some comments assert that the regulation exceeds the Agency's jurisdiction and amounts to an amendment to the CCPA itself. Other comments state that requiring unique lists of personal information and third parties for each consumer notice would be burdensome for businesses and confusing for consumers. One comment claims that the requirement to provide a list of third parties in a business's privacy policy may conflict with confidentiality provisions in contracts. Another comment requests the regulation to clarify when a business controlling the collection of personal information would be	No change has been made in response to these comments. The Agency has deleted §§ 7012(e)(6), 7012(g)(2), and references to this requirement in § 7012(g)(3), and thus, these comments are now moot.	W9-49 W11-1 W11-2 W11-12 W25-8 W28-32 W28-33 W28-34 W28-37 W28-38 W28-41 W28-43 W29-2 W29-3 W29-4 W30-10 W30-11 W30-12	0066 0141-0142 0142 0146 0242 0292-0294, 0296 0292-0294, 0296 0292-0294, 0296-0297 0294, 0297 0297 0295 0295-0296 0321-0322 0321-0322 0321-0322 0333 0333-0334 0333

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	a third party. Some comments recommend only requiring a categorical disclosure rather than the names of third parties. Some other comments suggest clarifying a third party that provides information about its business practices to a first party for inclusion in that first party's notice at collection has satisfied the third party's own "notice at collection" obligations. One comment asserts that the reference to information about the "business practices" of the third-party lacks clarity. Another comment recommends allowing businesses responding to consumers who have DNS/Limit SPI enabled, not to post this information, as long as consumers can find them easily.		W30-13 W35-9 W35-10 W43-7 W45-7 W45-9 W50-10 W52-40 W63-18 W68-15 W69-39 W74-4 W74-5 W75-13 W89-35 W90-17 W102-3	0334 0372 0372 0438 0469 0469 0501-0502 0539 0691 0750-0752 0771-0772 0808-0809 0808 0820-0821 0963 0991 1079-1080
205.	Comment claims that no matter how much a business tries to use "plain language" and "avoid legal jargon," someone can always assert that a document which has legal significance fails to conform. The final regulations should be modified to include language that a notice shall be "reasonably written to achieve the goals" to ensure that a balanced approach is used to evaluate all such documents.	No change has been made in response to this comment. The regulation is reasonably clear and should be understood by the plain meaning of the words. The proposed modification is not necessary because the language "reasonably written to achieve the goals" is vague and would create differences in implementation of CCPA requirements by businesses. To the extent the comment implies there will be inadvertent violations, the Agency has prosecutorial discretion to choose enforcement priorities. *But see* Civ. Code § 1798.185(d) (enforcement may not begin until July 1, 2023). How the Agency decides to exercise its enforcement authority is beyond the scope of the regulations and is a fact-specific determination.	W20-6	0206
206.	Comment suggests that in instances where the only in-scope personal information that a business is collecting is for the purpose of	No change has been made in response to this comment. Civil Code § 1798.100(a) requires a business that controls the collection of a consumer's personal information to inform consumers, at or before	W35-8	0372

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	cross context behavioral advertising, businesses should not be required to post a notice at collection since this is already required in the privacy notice as well as the opt-out notice which provide the same information. Adding yet another notice in this case simply adds confusion for the consumer and is an unnecessary burden on companies.	the point of collection, of the categories of personal information it collects, the purposes for which the categories are used, whether it is sold or shared, and how long the business intends to retain it. See ISOR, p. 16. The proposed change does not fall within any enumerated exception provided for by the CCPA. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.		
207.	Comment requests clarification regarding personal information when it is collected offline. Certain employees may not be aware that they need to provide notices of collection every time they take a form of payment over the phone, even though consumer information will only be processed for payment.	No change has been made in response to this comment. Civil Code § 1798.100(a) requires a business that controls the collection of a consumer's personal information to inform consumers, at or before the point of collection, of the categories of personal information it collects, the purposes for which the categories are used, whether it is sold or shared, and how long the business intends to retain it. See ISOR, p. 16. The regulations provide businesses with discretion in determining how to provide the notice so that it is "made readily available where consumers will encounter it at or before the point of collection" of personal information. The regulations provide guidance and include examples, such as providing notice over the phone. *See* § 7012(c). The regulations are meant to be applicable to many factual situations and across industries. Further, Civil Code § 1798.135(c)(3) and § 7100 requires businesses to ensure that all individuals responsible for handling consumer inquiries about business's privacy practices or the business's compliance with the CCPA are informed of all the requirements in the CCPA and these regulations. The Agency has determined that no further clarification is needed at this time.	W39-3	0407
208.	Comment recommends including an additional short form notice requirement at or before the point of collection.	No change has been made in response to this comment. The regulations are reasonably clear, and the Agency has determined that no additional guidance is necessary at this time. Section 7012 sets forth the rules and procedures businesses must follow	W60-32	0636

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		regarding the form, content, and posting of the notice at collection, including as it relates to third parties that control the collection of personal information.		
– **§ 7012(a)**				
209.	Comment suggests that § 7012(a) contains a typographical error and that "selling or sharing" should be replaced with "sell or share."	No change has been made in response to these comments. Both the proposed regulations and the current regulations use the term "sell or share." These comments appear to be commenting on an older version of the regulations.	W78-5 W90-16	0854 0989
210.	Comment suggests that "meaningful control" must be understood in the context of the existing rights afforded by the CCPA. The CCPA does not provide consumers the right to prohibit the collection or use of personal information outright, as the "whether or not to engage with the business" language implies. Comment recommends striking the language pertaining to "whether or not to engage" with the business.	No change has been made in response to this comment. The Agency has modified the regulation to clarify how the Notice at Collection can be a tool for consumers. This clarification is necessary to guide businesses as they make decisions on how to provide notice. The purpose of this section is to set forth the rules and procedures businesses must follow regarding the form, content, and posting of the notice at collection, including as it relates to third parties that control the collection of personal information. The regulation is reasonably clear and provides illustrative examples of how a business may provide the notice in various contexts, including orally and online. The comment's proposed change to strike the language pertaining to "whether or not to engage" with the business is inconsistent with the language and intent of the CCPA, which provides that the notice should be readily available where consumers will encounter it "at or before the point of collection" of any personal information.	W78-4	0853-0854
– **§ 7012(c)**				
211.	Comment seeks clarification on how to properly post links required by the CCPA and regulations for mobile applications considering that mobile applications have limited space and mobile application stores may have restrictions on links from mobile application download pages. Comment	No change has been made in response to this comment. Section 7012(c) provides guidance and examples of how the notice can be given where consumers will encounter it at or before the point of collection, including via a mobile application. To the extent that the commenter seeks additional clarity, it likely requires a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance	W37-8	0388-0389

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	suggests the Agency clarify whether required links placed in the mobile application's privacy policy and under its menu would be deemed "conspicuously placed" under the CCPA and regulations.	concerns. See also Response # 102. The Agency has determined that no further clarification is needed at this time.		
212.	Comment suggests that the requirements in §§ 7012(c)(1) and 7012(c)(2) are confusing and unnecessary, as the CPRA and proposed regulations already require privacy notices to be conspicuous. The Agency should remove the requirement to post notices "in close proximity" to a webform and "on the introductory page" of a website.	No change has been made in response to this comment. The regulation is reasonably clear based on the plain meaning of the words. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. The regulations provide general guidance and include examples to assist businesses in determining how to provide the required notice at or before the point of collection. *See* § 7012(c). They are meant to be applicable to many factual situations and across industries. The use of the word "may" indicates that whether a particular method is appropriate is a fact-specific determination and businesses have discretion in determining how to provide the notice in a manner that best fits their business and customers.	W44-33	0460-0461
213.	Comments suggest that § 7012(c)(5) indicates that providing notice over the phone is optional. In addition, providing an oral notice by phone would be burdensome to consumers. One comment states that § 7012(c)(5) could be interpreted as conflicting with § 7012(d). Another comment suggests that the oral disclosure of the notice should be interpreted as optional; otherwise, the Agency should offer alternative methods for businesses to provide notice. One comment suggests adding a sentence at the end of § 7012(c)(5): "or refer the consumer to the	No change has been made in response to these comments. Civil Code § 1798.100(a) requires a business that controls the collection of a consumer's personal information to inform consumers, at or before the point of collection, of the categories of personal information it collects, the purposes for which the categories are used, whether it is sold or shared, and how long the business intends to retain it. *See* ISOR, p. 16. The regulations provide general guidance and include examples to assist businesses in determining how to provide the required notice at or before the point of collection. *See* § 7012(c). They are meant to be applicable to many factual situations and across industries. The use of the word "may" within § 7012(c) indicates that whether a particular method is appropriate is a fact-specific determination and businesses have discretion in determining how to provide the notice at or before	W39-4 W66-9 W66-10 W89-35	0407 0727-0728 0728 0963

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	business' website for the notice or offer to email the notice to the consumer."	the point of collection of any personal information in a manner that best fits their business and customers.		
214.	Comment suggests that § 7012(c)(5) is overly restrictive. There is no provision for the personal information that is collected over the phone or in person. When there is personal information collected in these manners a company should be able to (1) refer the consumer to the business's website for the notice at collection, or (2) offer to email or mail the notice to the consumer. The notice at collection required by the CPRA, even without the proposed regulatory disclosures, is far too lengthy to be recited orally to a consumer.	No change has been made in response to this comment. Civil Code § 1798.100(a) requires a business that controls the collection of a consumer's personal information to inform consumers, at or before the point of collection, of the categories of personal information it collects, the purposes for which the categories are used, whether it is sold or shared, and how long the business intends to retain it. *See* ISOR, p. 16. The regulations provide general guidance and include examples to assist businesses in determining how to provide the required notice at or before the point of collection. *See* § 7012(c). They are meant to be applicable to many factual situations and across industries. The use of the word "may" within § 7012(c) indicates that whether a particular method is appropriate is a fact-specific determination and businesses have discretion in determining how to provide the notice at or before the point of collection in a manner that best fits their business and customers. The Agency disagrees that providing the notice at collection orally would be lengthy in light of the guidance provided in the regulation.	W61-4	0650
215.	Comment suggests that the Agency maintain the examples set forth in §§ 7012(c)(4) and 7012(c)(5) as these subsections provide helpful guidance to businesses about how to provide "just-in-time" notices to consumers.	No change has been made in response to this comment. The Agency has deleted the previous §§ 7012(c)(4) and 7012(c)(5) for other reasons, and thus, this comment is now moot.	W78-6	0854-0855
– **§ 7012(e)**				
216.	Section 7012(e) requires a business to include the names of all third parties that control the collection of personal information. Claims that it will cost more than BEAR identified.	No change has been made in response to this comment. This subsection has been deleted, and thus, this comment is now moot.	W9-49 W13-3	0066 0158

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
217.	Comments claim that § 7012(e)(4) contains prescriptive requirements that are difficult to comply with and therefore should be deleted or given more flexibility. A specified data element could have various retention periods under the law. One comment states that compliance is particularly difficult for insurers because the retention period required by Insurance Laws varies depending on the purpose of the collection and use of personal information.	No change has been made in response to these comments. Civil Code § 1798.100(a) requires a business that controls the collection of a consumer's personal information to inform consumers, at or before the point of collection, of the categories of personal information it collects, the purposes for which the categories are used, whether it is sold or shared, and how long the business intends to retain it. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope. Moreover, the law and the regulation allow businesses to provide the criteria used to determine the period of time information will be retained.	W14-12 W25-9 W43-6 W45-6 W61-7 W65-5	0166 0242 0437-0438 0468-0469 0650-0651 0729
218.	Comment requests clarification as to whether the retailer must include the opt-out link in the consent notice. If so, the notice would be very long. Comment suggests allowing retailers to specify to consumers that they use the alternative opt-out links referenced in § 7015.	No change has been made in response to this comment. The regulation is reasonably clear based on the plain meaning of the words. The Notice at Collection shall include the link to the Notice of Right to Opt-Out of Sale/Sharing. § 7012(e)(5); *see also* ISOR, p. 17. As explained in § 7013(e), the Notice of Right to Opt-Out of Sale/Sharing is the webpage to which the consumer is directed after clicking on the "Do Not Sell or Share My Personal Information" link or the specific section of the privacy policy that contains the required information. *See also* ISOR, pp. 20-21. It is distinct from the Alternative Opt-out Link. *See* § 7013(d); ISOR, p. 20. The Agency has determined that no further clarification is needed at this time.	W24-17	0233
– **§ 7012(f)**				
219.	Comments recommend deleting or modifying § 7012(f) because it is overly prescriptive, burdensome, and impractical. Under the proposed regulations, the Notice at Collection would be required to be customized to the particular product or service requested by the consumer, which	No change has been made in response to these comments. As explained in the ISOR, this regulation is necessary to ensure that the notice is easily accessible and understandable to consumers and businesses have clear guidance on how to provide the information required in Civil Code § 1798.100(a). ISOR, p. 18. The Agency considered different options and determined that the regulation is necessary to ensure that the consumer is taken	W11-1 W11-2 W11-10 W11-11 W20-16 W25-6 W28-30	0141-0142 0142 0145 0145 0208-0209 0241 0292, 0296

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	would seem to require that every Notice at Collection have different links to different sections of the business's privacy policy. The section also adds confusion as to whether a business may satisfy the Notice at Collection requirement by posting an online privacy policy with all required content. The provision fails to consider global companies that may have different notice requirements for individuals located in different jurisdictions or businesses that need to provide other types of privacy notices, such as in the context of insurance. Comments propose various revisions in light of these reasons, such as requiring privacy policies to begin with a section of outlined links or deleting the requirement because consumers may need to read the entire disclosure to understand the provisions.	directly to the information required by the notice and to prevent consumers from facing unnecessary burden to find the material information. *Id.* Providing this information is not overly burdensome for businesses because the regulation provides practical examples that illustrate how businesses can comply. Comments' proposed changes are not effective in carrying out the purpose and intent of the CCPA because they do not adequately address the requirements of Civil Code § 1798.100(a) and make it more difficult for consumers to exercise their privacy rights. With regard to whether the notice is required to be customized to the particular product or service, the comment appears to raise specific legal questions that would require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W28-39 W29-1 W45-8 W52-15 W52-42 W59-31 W59-32 W59-33 W59-34 W65-6 W66-8 W69-40 W72-8 W89-35	0294 0320-0321 0469 0530 0540 0613 0613 0613 0613 0717-0718 0727 0772 0800 0963
– **§ 7012(g)**				
220.	Comment suggests adding the term "physical" in § 7012(g)(3) to clarify that the collection of personal information is taking place in the physical realm.	Accept. The regulation, now § 7012(g)(2), has been modified to add "physical" to clarify that this subsection applies to physical premises.	W53-13	0564
221.	Comments suggest clarifying that first parties must list or describe third parties that collect personal information on their sites or through their services but need not list or describe service providers that collect such personal information. The example listed in Section 7012(g)(4)(A) of	Accept in part. The regulation, now § 7012(g)(3)(A), has been modified to clarify that Business G in the example is a third party ad network, not a service provider. Whether an analytics provider is a service provider or a third party under CCPA is a fact-specific determination.	W63-17 W75-14	0690-0691 0820-0821

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	an "analytics business" introduces potential confusion in this regard because most analytics providers operate as service providers rather than "third parties" within the meaning of the CCPA. Comment recommends striking "analytics business" and replacing it with "ad network"as an example.			
222.	Comments state that § 7012(g)(4)(C) appears to contain two typographical errors of businesses' names. One comment suggests that the example provided is confusing as to what is the relationship between the three companies and how Business M relates to the other two businesses.	Accept. The Agency has modified § 7012(g)(4)(C), now § 7012(g)(3)(C), to correct the typo.	W35-11 W63-17 W78-9	0373 0690-0691 0857
223.	Comments suggest that the Agency change or remove the requirement that both the first party and the third party controlling the collection of personal information provide separate notices at collection. Some comments assert that § 7012(g) creates an unreasonable burden of mandating duplicative disclosures, because if a third party collects information on behalf of or with the permission of the first party, then a notice at collection provided by the first party, together with a right to opt out, is sufficient and meaningful protection to consumers without overwhelming them with numerous and potentially redundant notices. Other	No change has been made in response to these comments. Civil Code § 1798.100(b) requires business acting as a third party that control the collection of personal information on the first party's premises to post their own notice at collection in a clear and conspicuous manner at the location. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope. Section 7012(g) provides guidance and includes examples regarding how third parties controlling the collection of personal information can provide the required Notice at Collection. It also clarifies that the first party and third parties may provide a single Notice at Collection that includes the required information about their collective Information Practices. Businesses have discretion in determining how to provide the request notice at or before the point of collection in a manner that best fits their business and customers. The Agency has determined that no further clarification is needed at this time.	W3-5 W3-6 W3-7 W3-8 W3-9 W3-10 W11-1 W11-2 W11-13 W11-14 W11-15 W11-16 W25-7 W28-31 W28-35	0013 0013 0013 0013-0014 0013-0014 0013-0014 0141-0142 0142 0146 0146 0146 0146 0241-0242 0292-0294, 0296 0292-0294,

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	comments state that the regulation is beyond the scope of the statute and should address issues through contractual requirements rather than regulations. Comments further seek guidance on how multiple notices of collection are to be presented to consumers. Some suggest that a streamlined manner optimizing for utility to the user would be more effective. One comment claims that having only one party provide notice also aligns the regulations with the GDPR.		W28-36 W28-40 W61-5 W61-6 W69-39 W74-3 W75-12 W78-7	0297 0297 0294-0295 0650 0650 0771-0772 0807-0808 0820-0821 0855
224.	Comment states that it is unclear whether the Agency intends for every piece of third-party technology integrated into a website or app to be a "third party" that is independently "controlling" its collection of personal information in § 7012(g)(1).	No change has been made in response to these comments. Civil Code § 1798.140(ai) defines the term third party. As to whether third-party technology is controlling the collection of personal information, the comment appears to raise specific legal questions that would require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W63-16	0690
225.	For § 7012(g)(1), comment states that the requirement for both first and third parties to give consumers notice would be problematic from an operational standpoint, because it would create an unnecessary obligation for businesses, which is not equally privacy protective. It will also induce consent fatigue, especially in instances where these parties may not have a direct relationship with the consumer. Comment suggests striking the requirement or incorporating a	No change has been made in response to this comment. Section 7012(g)(1) implements the statutory requirement in Civil Code § 1798.100(b), which requires businesses, acting as third parties, that control the collection of personal information to provide notices at collection. Section 7012(g)(1) is necessary to explain that more than one business may control the collection of personal information and the obligations of these businesses. The proposed alternative of deleting this requirement or adding a disproportionate effort standard is inconsistent with the requirements for businesses under Civil Code § 1798.100(a)-(b). In addition, the regulation has been modified so that first and third parties may provide a single Notice at Collection that includes the	W30-8 W30-9 W30-10 W30-12	0333 0333 0333 0333-0334

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	disproportionate effort standard into the requirement.	required information about their collective Information Practices, which alleviates the burden on businesses.		
226.	Sections 7012(g)(1), (2), and (4)(A) require AdTech and analytics providers to provide notices at collection. This is a cost that should have been addressed in a SRIA.	No change has been made in response to this comment. For the purposes of its economic analysis the Agency looked to the legal environment that consists of existing California Law as well as other relevant privacy obligations to comprise the baseline economic conditions for the proposed regulations. The analysis contemplated whether the regulation created obligations not found in existing law. A SRIA addresses economic impacts caused by the proposed regulation and should not include the baseline costs associated with existing law or regulations. Civil Code § 1798.100(b) requires businesses, acting as third parties, that control the collection of personal information to provide notices at collection, and thus, any costs associated with subsections (g)(1) and (4)(A) are part of the regulatory baseline. As to subsection (g)(2), it has been deleted. Accordingly, there are no regulatory costs to address in a SRIA.	W9-10 W13-3	0046-0047 0158
227.	Comments suggest that the regulations should require businesses to list all third parties despite seeming to acknowledge it wouldn't be possible because there are situations where third parties aren't known to the business, such as with the use of AdTech. This knowledge will enable consumers to act in their best interest.	No change has been made in response to these comments. The Agency has deleted § 7012(g)(2) for other reasons, and thus, these comments are now moot.	W58-3 W58-5	0602 0602
228.	Comment suggests that § 7012(g)(3) should permit third-party businesses to provide notice in a "reasonable" manner that takes into account the method of the data collection. For instance, if a store or restaurant employs a third-party voice assistant device that does not contain a physical display, then a notice directing the	No change has been made in response to these comments. The regulation, now § 7012(g)(2), has been modified to add the term "physical" to clarify that this subsection applies to physical premises and deleted the term "also" to conform the regulation to the requirements of the statute. Accordingly, portions of these comments may now be moot. As to the remaining portions, the comment proposes an interpretation of the CCPA that is inconsistent with the language, structure, and intent of the CCPA.	W10-19 W28-42 W63-15 W69-41 W89-36	0110-0111, 0117 0295 0689-0690 0772 0963-0964

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	consumer to the third-party device's website should be sufficient. One comment states that the regulation is too prescriptive, and that the Agency should adopt the FTC's standard. Another comment claims that the regulation goes beyond the statutory text because the statute only imposes Notice at Collection obligations on businesses that control the collection of personal information on their own premises as third parties.	Civil Code § 1798.100(b) requires business acting as a third party that control the collection of personal information on the first party's premises to post their own notice at collection in a clear and conspicuous manner at the location. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope. Section 7012(g) provides guidance and includes examples regarding how third parties controlling the collection of personal information can provide the required Notice at Collection. Businesses have discretion in determining how to provide the request notice at or before the point of collection in a manner that best fits their business and customers. The Agency has determined that no further clarification is needed at this time.		
229.	Comments recommend requiring clear and prominent signage for at least the case of third-party monitoring in physical locations, instead of presenting it as just one possible option under the current draft regulations. Sections 7012(g)(4)(B) and (C) should also be revised accordingly.	No change has been made in response to these comments. The regulation, now § 7012(g)(2), explains the requirement in Civil Code § 1798.100(b), which requires a business acting as a third party that controls the collection of personal information on the first party's premises to post their own notice at collection in a clear and conspicuous manner at the location. Section 7012(g) provides general guidance and includes examples of how third parties controlling the collection of personal information can provide the required Notice at Collection, including the posting of conspicuous signage. The comment's proposed change to mandate the posting of signage as the only way to provide the notice is not more effective in carrying out the purpose and intent of the CCPA. The regulations are meant to be applicable to many factual situations and across industries.	W83-33 W83-34	0910 0910
– **§ 7012(i)**				
230.	Comment suggests grammatical clarification in § 7012(i). As drafted, this section appears to apply only if a registered data broker never received any data directly from a consumer, even if it also	Accept. The regulation has been modified to remove the double negative and clarify that a data broker does not need to provide a Notice at Collection in instances when it collects personal information from a source other than the consumer.	W74-1 W74-2	0807

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	collects third party data as a registered broker. This section should apply only to the extent that the data broker obtains data from a source other than the consumer.			
– **§ 7012(j)**				
231.	Comments seek changes to § 7012(j) for various reasons. One comment requests that any expansion of the legal requirements related to employment-related benefits be phased in such that any revised requirements under § 7012(j) take effect no earlier than July 1, 2023, with other changes taking effect sometime thereafter. Another comment suggests that this section would add requirements that are inconsistent with the existing law and therefore should not be included.	No change has been made in response to this comment. The Agency has deleted § 7012(j) for other reasons, and thus, this comment is now moot.	W7-1 W20-17	0032-0033 0209
– **§ 7012(k)**				
232.	Comments seek changes to § 7012(k) for various reasons. One comment asks that the regulations that would take effect by the sunsetting of § 7012(k) be phased in so that employers have time to evaluate the changing regulatory landscape and that the requirements imposed by the other regulatory sections be delayed until January 1, 2024. Another comment suggests that this section would add requirements that are inconsistent with the existing law and therefore should not be included.	No change has been made in response to this comment. The Agency has deleted § 7012(k) for other reasons, and thus, this comment is now moot.	W7-2 W20-18	0033 0209

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
§ 7013. Notice of Right to Opt-Out of Sale/Sharing and the "Do Not Sell or Share My Personal Information" Link				
– **Comments generally about § 7013**				
233.	Comment expresses support for clarifying language for how offline data collectors notify consumers of opt-out rights.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W57-6	0592
234.	The Agency should avoid requiring the use of strict wording like "Do Not Sell or Share My Personal Information" because doing so facilitates technical statutory violations without substantively advancing legislative intent or consumer protection.	No change has been made in response to this comment. The proposed change is inconsistent with the language required under Civil Code §§ 1798.135(a)(1), 1798.135(c)(2), and 1798.185(a)(19). The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W6-1	0028-0030
235.	Amend regulation to permit businesses to alternatively post a link stating only "Do Not Share My Personal Information" if the business is not engaged in the sale of personal information, or vice versa, or to post "Do Not Sell or Share My Personal Information" as two separate links to provide businesses flexibility.	No change has been made in response to this comment. The proposed change is inconsistent with the language required under Civil Code §§ 1798.135(a)(1), 1798.135(c)(2), and 1798.185(a)(19). The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W11-18 W25-10 W35-12 W45-10 W89-39	0146-0147 0242-0243 0373 0469 0965
236.	Amend requirements for font size of "opt out" or "unsubscribe" links.	No change has been made in response to this comment. The proposed change is inconsistent with the language required under Civil Code §§ 1798.135(a)(1), 1798.135(c)(2), and 1798.185(a)(19). The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W95-4	1054
– **§ 7013(a)**				
237.	Modify the regulation to read ". . . immediately effectuate the consumer's right to opt-out of sale/sharing *in accordance with subsection 7026(f)* . . ." (emphasis added) or remove terms "immediately" and "immediate," to ensure	No change has been made in response to this comment. Section 7013(a) explains the purpose of the "Do Not Sell or Share My Personal Information" link. The "immediate" timeframe imposed by this provision is one option provided to businesses. Alternatively, the "Do Not Sell or Share My Personal Information" link can direct the consumer to the Notice of the Right to Opt-out of Sale Sharing. The terms "immediate" and "immediately" referenced by the	W41-9 W78-10	0421-0422 0858

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	businesses have sufficient time to process a request.	comment do not apply to situations where the link leads them to a webpage where the consumer can learn about and make a request to opt-out under § 7026, to which the deadline imposed by § 7026(f)(1) applies.		
– **§ 7013(c)**				
238.	Section 7013(c) requires the "Do Not Sell My Personal Information" link to be in the header or footer. This is a cost that should have been addressed in a SRIA.	No change has been made in response to this comment. The Agency believes that the majority of businesses already provide the link in a header or a footer and any cost associated should be considered as part of the baseline environment. Accordingly, there is no regulatory cost to address in a SRIA.	W9-11 W13-3	0047 0158
– **§ 7013(e)**				
239.	Comment expresses support for § 7013(e)(1).	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W90-18	0994
240.	Section 7013(e)(3)(C) requires the "Do Not Sell My Personal Information" link to be included in telephone scripts. Claims that previously this was just a "may" and not mandatory by the regulations, thus, this is a cost that should have been addressed in a SRIA.	Accept in part. This subsection has been deleted, and thus, this comment is now moot.	W9-12 W13-3	0047-0048 0158
241.	Amend § 7013(e)(1) to mandate inclusion of the notice of right to opt-out of sale/sharing within a business's privacy policy to reduce the consumer inconvenience and information overload that may result from providing multiple documents containing information on privacy practices.	No change has been made in response to this comment. The regulations provide the business with discretion in determining how to provide notice of right to opt-out of sale/sharing that best fits their business and customers. The regulations provide guidance and include examples, including the option to provide a notice through a link that takes the consumer directly to the specific section of the business's privacy policy that contains the relevant information. The regulations are meant to be applicable to many factual situations and across industries. In drafting these regulations, the Agency considered and rejected a more prescriptive approach and determined that this section is necessary	W66-11	0728

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		to clarify the business's obligations under different circumstances. *See* ISOR p. 20.		
242.	Remove the term "immediately" in § 7013(e)(1) because there may be situations where a business may not be able to immediately effectuate a consumer's right to opt-out of sale/sharing, and instead allow effectuating during the timeframe allotted by statute.	No change has been made in response to this comment. The term "immediately" in § 7013(e)(1) applies to situations in which the "Do Not Sell or Share My Personal Information" link effectuates the consumer's right to opt-out of sale/sharing. Businesses are alternatively permitted under § 7013(a) to use the link to direct consumers to a webpage where the consumer can learn about and make a request to opt-out under § 7026, to which the deadline imposed by § 7026(f)(1) would apply.	W78-11	0858
243.	Clarify whether § 7013(e)(3)(B) requires notices on a phone when that is not the primary manner in which a business interacts with a consumer.	No change has been made in response to this comment. The regulation is reasonably clear. Section 7013(e) requires a business that sells or shares consumers' personal information to provide notice to opt-out of sale/sharing in the same manner in which it collects the personal information that it sells or shares, regardless of the medium through which personal information is collected. If a business collects information over the phone, then, § 7013 requires notice to be provided in that manner.	W24-19	0234
244.	Requiring that a business provide notice to opt-out in the same manner in which it collects the personal information (1) goes beyond Civil Code § 1798.130(a)(5) (requiring only that businesses disclose the right in its online privacy policy or on its website), (2) imposes burdens on businesses that maintain a website but collect personal information by other means, and (3) is inconsistent with other privacy laws. Businesses that collect personal information outside a website should be able to satisfy this obligation by directing the consumer to the website, and	No change has been made in response to this comment. To the extent this comment addresses § 7013(e)(3)(C) and (D), those sections have been deleted, and the comment is now moot. To the extent it is regarding other sections, Civ. Code § 1798.185(a)(6) provides the Agency with authority to "establish rules, procedures, and any exceptions necessary to ensure that the notices and information that businesses are required to provide pursuant to this title are provided in a manner that may be easily understood by the average consumer…" This regulation updates an existing CCPA regulation to harmonize it with CPRA amendments to the CCPA, specifically, the inclusion of "sharing" within the right to opt-out of sale of personal information. The Agency has made efforts to limit the burden of the regulations while implementing the CPRA. As addressed in the ISOR (and in the AG's rulemaking documents),	W10-4 W10-5 W10-6 W69-45 W69-46 W69-47 W89-37	0104, 0117 0104-0105, 0117 0105, 0117 0773 0773-0774 0774 0964

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	§ 7013(e)(3)(C) should be amended to include "or direct the consumer to where the notice can be found online."	this regulation is necessary to address the ways in which businesses are collecting personal information that they sell or share so that the notice is effective in informing consumers of their right to opt-out of the sale/sharing. *See* ISOR, pp. 20-21. The regulation provides guidance and examples and is meant to apply to a wide range of factual situations and across industries. Businesses have discretion in determining how to provide the notice in a manner that best fits their business and customers within the guidance provided. Note, the comment's proposed change of directing the consumer to their website is incorporated into the example within § 7013(e)(3)(A).		
245.	Amend § 7013(e)(3)(B) and (C) to allow flexibility and consumer choice regarding where they are able to access a notice to opt-out during the call or while using the smart device, not whether they will encounter the notice on the smart device. Accessing the notice recognizes the importance of providing the consumer the opportunity to review it. Merely encountering it does not ensure any meaningful opportunity to review and can interfere with the consumer's user experience.	No change has been made in response to these comments. To the extent the comments address § 7013(e)(3)(C), that subsection has been deleted, and thus, these comments are now moot. As to § 7013(e)(3)(B), the Agency disagrees with the comments' general point. While accessing the notice gives the consumer the opportunity to review it, encountering the notice is also valuable in making the consumer aware of their rights, particularly the fact that the business is selling/sharing personal information that it is collecting in that encounter with the business. Further, the regulation provides guidance and examples and is meant to apply to a wide range of factual situations and across industries. Businesses have discretion in determining how to provide the notice in a manner that best fits their business and customers within the guidance provided.	W28-68 W28-69	0304-0305 0304-0305
246.	Automobile companies do not have the capability to comply with § 7013(e)(3)(C) to provide notice to opt-out in a manner that ensures that a consumer will encounter it while using the connected device. Existing vehicles that lack capability should be exempt. The Agency should provide	No change has been made in response to these comments. Subsection 7013(e)(3)(C) has been deleted, and thus, these comments are now moot.	W41-3 W41-5 W41-7	0421 0421 0421

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	sufficient lead-time for automobile companies to develop and integrate capability to provide notice in a compliant manner.			
247.	Remove § 7013(e)(3)(C) because it is not required by statute and redundant with § 7012(e)(5) which already requires businesses to provide a link to the opt-out notice in their notice at collection. In the alternative, clarify that businesses are not required to provide opt-out notice on the actual device so long as the consumer receives notice through another means (e.g., where it is impractical to provide notice on connected devices). Comments also note that § 7013(e)(3)(C)'s requirement to ensure that a consumer "will encounter" the notice is being applied only to some businesses but not others.	No change has been made in response to these comments. Subsection 7013(e)(3)(C) has been deleted, and thus, these comments are now moot.	W81-1 W81-2 W81-3 W81-4	0884 0884 0884-0885 0885
248.	Remove requirement in § 7013(e)(3)(D) for businesses collecting personal information in AR/VR environments to provide notice while in those environments to avoid disruption to consumers' use and enjoyment of the technology.	No change has been made in response to these comments. Subsection 7013(e)(3)(D) has been deleted, and thus, these comments are now moot.	W18-2 W44-27	0190-0191 0459
– **§ 7013(f)**				
249.	Comment requests adding an option to offer consumers a page with descriptive links directing them to locations in specific sections of a privacy policy, because linking to specific sections may be burdensome and links may break.	No change has been made in response to this comment. Subsection 7013(f) sets forth what needs to be included in the Notice of Right to Opt-out of Sale/Sharing, not the manner in which it is presented. Subsection 7013(e)(1) already provides guidance that the notice may be a provided through a link that takes the consumer directly to the specific section of the business's privacy policy that contains	W24-18	0234

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		the required information. The Agency does not see how the requirement of informing the consumer of their right to opt-out of sale/sharing and how they can submit their request to opt-out of sale/sharing would require multiple links. Nevertheless, businesses have discretion in determining how to provide notice of right to opt-out of sale/sharing that best fits their business and customers within the guidance provided by the regulations. To the extent the commenter seeks more specific advice, the comment raises specific legal questions that would require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. Finally, as to links that may break, the Agency does not see how the commenter's proposal is more effective in that it proposes to use links as well. The possibility of broken links would be the same for the links that the commenter proposes to use.		
– **§ 7013(h)**				
250.	Amend subsection to apply to only personal information collected after the notice requirement goes into effect under the CPRA to better align with other privacy laws and avoid going beyond the statute.	No change has been made in response to these comments. The CCPA authorizes the Agency to issue regulations facilitating and governing opt-out requests and as necessary to further the purposes of the CCPA. *See* Civ. Code § 1798.185(a)(4), (b). Subsection 7013(h) updates an existing CCPA regulation to harmonize it with CPRA amendments to the CCPA, specifically, the inclusion of "sharing" within the right to opt-out of sale of personal information. Because this regulation is currently in effect with regard to the sale of personal information, it is not appropriate to include any language that limits its application to personal information collected only after the CPRA amendments take effect. To the extent that the regulation applies to the sharing of personal information, businesses would not be expected to comply with a regulation that is not final or effective. However, the Agency notes that some "sharing" of personal information may fall within the definition of "sale," and to the extent it does, this regulation would	W10-7 W28-70 W69-48 W89-38	0105-0106, 0117 0305 0774 0964-0965

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		apply currently. Whether the "sharing" of personal information falls within the definition of "sale" is a fact-specific determination. The commenters should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.		
§ 7014. Notice of Right to Limit and the "Limit the Use of My Sensitive Personal Information" Link				
– **Comments generally about § 7014**				
251.	Amend regulation to state that sensitive personal information collected or processed without the purpose of inferring characteristics about a consumer is not subject to sensitive personal information requirements, as the regulation would otherwise expand definition of "sensitive information."	Accept. Subsection 7014(g)(2) has been amended to reflect this change and clarify that the requirements of § 7014 do not apply to a business that only collects or processes sensitive personal information without the purpose of inferring characteristics about a consumer, and states so in its privacy policy.	W11-1 W11-2 W11-19	0141-0142 0142 0147
252.	Businesses using sensitive personal information consistent with § 7027 should not be required to repeat the statements in their privacy policy regarding that use or disclosure of sensitive personal information.	No change has been made in response to this comment. The comment's interpretation of the regulation appears to be inconsistent with the regulation's language. Subsection 7014(g) expressly states that a business is not required to provide a Notice of Right to Limit if the business only uses or discloses sensitive personal information for the purposes specified in § 7027(m) and states so in its privacy policy.	W20-20	0209-0210
253.	Amend regulation to permit businesses to obtain opt-in consent prior to processing sensitive personal information for a purpose beyond those enumerated by statute, and to provide consumers with a mechanism of withdrawing consent, rather than providing a notice of right to limit, in order to align with other privacy laws.	No change has been made in response to these comments. Civil Code § 1798.121 requires a business that uses or discloses a consumer's sensitive personal information for purposes other than those enumerated by statute to provide notice of a right to limit the use or disclosure of their sensitive personal information, and also gives consumers the right to direct that business to limit its use of the consumer's sensitive personal information. Amending §§ 7014 and 7027 to remove these statutory requirements and instead permit opt-in consent is not permitted by statute. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W28-71 W28-72 W69-26	0306 0305-0306 0769

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
254.	Clarify that a business that does not use sensitive personal information can use the alternative opt-out links "Your Privacy Choices" or "Your California Privacy Choices."	No change has been made in response to this comment. The regulation is reasonably clear. Section 7015 provides businesses the option of using the Alternative Opt-out Link, the use of which is not contingent on a business's use of sensitive personal information.	W89-41	0965
– **§ 7014(a)**				
255.	Modify regulation to read ". . . immediately effectuate the consumer's right to opt-out of sale/sharing *in accordance with subsection 7027(g)* . . . ." (emphasis added) or remove term "immediately" to ensure businesses have sufficient time to process a request and avoid contradiction with other regulations.	No change has been made in response to this comment. Subsection 7014(a) explains the purpose of the "Limit the Use of My Sensitive Personal Information" link. The "immediate" timeframe imposed by this provision is one option provided to businesses. Alternatively, the "Limit the Use of My Sensitive Personal Information" link can direct the consumer to the Notice of Right to Limit. The term "immediately" referenced by the comments does not apply to situations where the link leads them to a webpage where the consumer can learn about and make a request to limit under § 7027, to which the deadline imposed by § 7027(g) applies.	W41-9 W41-10 W48-4	0421-0422 0421-0422 0489
– **§ 7014(e)**				
256.	Subsection 7014(e)(3) requires the "Limit the Use of My Sensitive Personal Information" link to be provided offline, over the phone, as part of a connected device, and as part of a virtual reality experience. This is a cost that should have been addressed in a SRIA. Claims that the statute only requires this online.	Accept in part. This subsection has been deleted, and thus, these comments are now moot.	W9-13 W9-14 W9-15 W9-16 W13-3	0048 0048-0049 0049 0049 0158
257.	Amend § 7014(e)(1) to mandate inclusion of the notice of right to limit within a business's privacy policy to reduce consumer inconvenience and information overload that may result from providing multiple documents containing information on privacy practices.	No change has been made in response to these comments. The regulations provide the business with discretion in determining how to provide notice of right to limit that best fits their business and customers. The regulations provide guidance and include examples, including the option to provide a notice through a link that takes the consumer directly to the specific section of the business's privacy policy that contains the relevant information.	W66-12 W66-13	0728-0729 0729

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		The regulations are meant to be applicable to many factual situations and across industries. In drafting these regulations, the Agency considered and rejected a more prescriptive approach and determined that this subsection is necessary to clarify the business's obligations under different circumstances. *See* ISOR p. 20.		
258.	Automobile companies do not have the capability to comply with § 7014(e)(3)(C) to provide notice to limit the use of sensitive personal information in a manner that ensures that a consumer will encounter the notice while using the device and existing vehicles that lack capability should be exempt. The Agency should provide sufficient lead-time for automobile companies to develop and integrate capability to provide notice in a compliant manner.	No change has been made in response to these comments. Subsection 7014(e)(3)(C) has been deleted, and thus, these comments are now moot.	W41-4 W41-6 W41-8	0421 0421 0421
– **§ 7014(g)**				
259.	Modify § 7014 to expressly provide that a business is not required to honor a consumer's request to limit the use of their sensitive personal information if such information is only used for purposes of preventing and detecting security incidents and if such use of the information is necessary and proportionate to the purpose for which it was collected, to ensure consistency with § 7027 and the purpose of the CCPA and better protect consumer personal information.	No change has been made in response to this comment. The regulation is reasonably clear. Subsection 7014(g) states that businesses that only use and disclose sensitive personal information collected for the purposes specified in § 7027(m) – including §§ 7027(m)(2)-(3) as referenced by the comment – and states so in its privacy policy, do not need to provide a Notice of Right to Limit or the "Limit the Use of My Sensitive Personal Information" link. To the extent that this comment seeks legal advice regarding whether § 7027(m) applies to commenter's referenced personal information practices, the comment is irrelevant to the proposed rulemaking action. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W56-1	0585-0586

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
– **§ 7014(h)**				
260.	New obligations should be prospective and only apply to data collected after the effective date. Subsection 7014(h) appears to create an obligation with respect to data collected before the regulations and the requirement to post a "notice of right to limit" takes effect because it prohibits the use of sensitive personal information collected "during the time the business did not have a notice of right to limit posted" without consent. This may lead to potential business disruption and consumer harm if the provision is interpreted to apply retroactively, such as where information was collected and used for research studies. The Agency should amend § 7014(h) to apply only to personal information collected on or after January 1, 2023. Other comments suggest that for previously collected sensitive personal information, the regulations should require (1) revisions to a business's privacy policy, (2) reasonable efforts to notify existing consumers of the new use and new opt-out right; and (3) a delay in the implementation of the new use for a period of 30 days after notice to consumers.	No change has been made in response to these comments. The comments are illogical: Businesses would not be expected to comply with regulations that are not final or effective. Accordingly, the regulation's prohibition on using sensitive personal information collected during a period that a Notice of Right to Limit was not posted can only be read as applying to data collected after the CPRA's effective date and the date upon which the regulations are final. That said, upon receiving a request to limit, businesses must still honor a consumer's request to limit for any sensitive personal information it has, regardless of whether it was collected prior to January 1, 2023. Civil Code § 1798.121 makes no distinction regarding when the sensitive personal information was collected.	W11-38 W18-3 W29-7 W41-2	0150 0191-0192 0323-0324 0421

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
§ 7015. Alternative Opt-Out Link				
– **Comments generally about § 7015**				
261.	Comment expresses support for flexibility enabled by § 7015's new option of providing consumers with a single link for both their right to opt out of sale/sharing and right to limit use of sensitive data. It also helps businesses by easing demands on UX/UI departments and avoids consumer confusion.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W53-16	0564
262.	Comments recommend removing or revising the requirement that "[t]he icon shall be approximately the same size as any other icons used by the business on its webpage." This requirement is developmentally challenging because it means that the business may have to create a different icon for each webpage. It can be interpreted to mean that the icon has to be the same size as the business's logo on its homepage or the largest icon the page. This would not be scalable and would disrupt the webpage's helpfulness to consumers. Suggested revisions include stating that the opt-out icon should be adjacent to the title and approximately the same size as other icons in the header or footer of the webpage.	Accept in part. The Agency has revised the regulation to require the opt-out icon to be adjacent to the title and to be approximately the same size as other icons used by the business in the header or footer of its webpage. This change addresses the concerns raised. Removing the icon is not more effective in carrying out the purpose and intent of the CCPA. As explained in the ISOR, the use of the icon with the uniform title is informed by academic studies that tested a number of different icon designs and taglines and found that the icon and title are among the best choices to effectively convey privacy choices. *See* ISOR, p. 23.	W28-71 W28-73 W35-13 W44-31 W44-32 W59-35 W59-36 W59-37 W59-38 W78-12 W89-40	0306 0306 0373 0460, 0461 0460, 0461 0613 0613 0613 0613 0859 0965
263.	Comments suggest that the proposed graphic opt-out icon be removed or be optional. Some reasons given include that the icon: (1) is confusing because it only	No change has been made in response to these comments. As explained in the ISOR, the use of the icon with the uniform title is informed by academic studies that tested a number of different icon designs (including DAA's "YourAdChoices") and taglines and	W28-71 W28-74 W50-11 W63-46	0306 0306 0502 0706-0707

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	depicts two choices when there would actually be three; (2) clashes with website themes and would disincentivize people from using the alternative opt-out link; and (3) may mislead consumers into thinking that the button itself provides an immediate opt-out control instead of linking to a webpage. One comment suggests that the marketplace should be allowed to use existing, widely deployed iconography, such as DAA's "YourAdChoices."	found that the icon and title were among the best choices to effectively convey privacy choices. *See* ISOR, p. 23. The comments do not provide any support that would necessitate a change to this regulation.	W63-47 W69-56 W87-2 W89-42	0707 0776 0947 0965
§ 7016. Notice of Financial Incentive				
– **Comments generally about § 7016**				
264.	Comment proposes that market research incentives and similar rewards to research subjects be exempt from notices of financial incentives requirements.	No change has been made in response to this comment. The Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on this issue is necessary and consistent with the CCPA.	W5-9	0025-0026
265.	Comment disagrees with the "Pay-For-Privacy" structure because it would allow affluent consumers to retain full ability to opt-in or opt-out, but leave less affluent consumers unable to afford the increased costs associated with opting out.	No change has been made in response to this comment. The comment's proposed interpretation is inconsistent with the language, structure, and intent of the CCPA. Civil Code § 1798.125(b) provides that a "business may offer financial incentives, including payments to consumers as compensation, for the collection of personal information, the sale of personal information, or the deletion of personal information. A business may also offer a different price, rate, level, or quality of goods or services to the consumer if that price or difference is directly related to the value provided to the business by the consumer's data." The Agency cannot implement regulations that alter or amend a statute.	W62-17	0664-0666

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
266.	Comment states that neither the statute itself nor the proposed regulations provide specific guidance on measuring the value of the customer's data to the business, other than requiring that the incentives be "reasonably related" to the data provided by the company. The Agency should consider providing some sample computations of the value of a consumer's data to a business.	No change has been made in response to this comment. The Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Sections 7080 and 7081 also provide businesses some guidance and examples regarding price or service differences, including examples of discriminatory price and service differences and the calculation of the value of consumer data. Further analysis is required to determine whether a regulation on this issue is necessary.	W62-18	0665-0666
267.	Comments suggest that the regulations are in tension with the data minimization concept. If no data is to be collected other than what a reasonable customer would expect is needed to provide the service and product the consumer has requested, then the value of the data to the business is constrained. The Agency should provide examples of acceptable additional business purposes for acquired customer data that clearly meet the "reasonable consumer expectation" standard and examples of those that would not meet the "reasonable consumer expectation" standard.	No change has been made in response to these comments. The Agency has revised § 7002 to explain and clarify the specific requirements of Civil Code § 1798.100(c), and thus, these comments appear to be moot. In addition, the Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on this issue is necessary and consistent with the CCPA.	W62-19 W62-20	0666 0666
268.	Comment recommends requiring companies who make allegedly non-discriminatory financial incentives to provide access to a good-faith estimate of the value of the consumer's data.	No change has been made in response to this comment. Subsection 7016(d)(5) already requires the business to provide an explanation of how the price or service different is reasonably related to the value of the consumer's data, including a good-faith estimate of the value of the consumer's data and a description of the method the business used to calculate the value of the consumer's data.	W83-32	0909

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
ARTICLE 3. BUSINESS PRACTICES FOR HANDLING CONSUMER REQUESTS				
– **Comments generally about Article 3**				
269.	Comment appears to support the requirement that businesses "must share [consumers'] permissions and changes with all other service providers, contractors, and third parties." Suggests that § 7022 and §§ 7050-7053 align with and/or support Internet Safety Labs (ISL)'s safety regulation principle.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required. The Agency makes no statement regarding the ISL framework.	W58-11	0603
270.	Comment appears to support how the regulations' cross-contextual advertising restrictions "limit the harms of current AdTech," and notes that "data brokers having to comply with the opt-out signal may change the behavior of AdTech for the better." Suggests that § 7050 and §§ 7025-7027 align with and/or support Internet Safety Labs (ISL)'s safety regulation principle.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required. The Agency makes no statement regarding the ISL framework.	W58-18	0605
271.	Recommends requiring a business or service provider that stores hash values of personal information and receives a request to delete, request to correct, or request to know to respond to the request by running any hash algorithms used on the personal information contained in the request and applying the request to any values found from running the hash algorithm.	No change has been made in response to this comment. Civil Code § 1798.140(v)(1) defines "personal information" broadly to include "information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household." Additionally, the CCPA sets forth the information that must be provided in response to consumer requests to delete, requests to correct, and requests to know. The comment appears to raise legal questions that would require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance.	W19-5	0198

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
272.	Recommends that only the controller business be responsible for resolving consumer requests made under Article 3, regardless of whether a service provider is the consumer's first point of contact. Bases recommendation on the claim that §§ 7020 through 7028 will add unnecessary complexity and confusion for businesses and consumers.	No change has been made in response to this comment. The CCPA sets forth the duties of businesses and service providers as well as the information that must be provided in response to consumer requests made under Article 3. The Agency considered various approaches to implementing the CCPA's statutory requirements. The regulations are meant to be robust and apply to a wide range of factual situations and across industries. However, the comment's recommendation that only the business be responsible for resolving consumer requests, regardless of whether a service provider is the first point of contact, is too prescriptive. Businesses and service providers in different industries contact consumers at different times depending on inherent differences among industries. Businesses must retain the flexibility to contractually delegate responsibilities for handling consumer requests pursuant to the CCPA.	W20-21	0210
273.	Recommends establishing a more granular framework for requests to opt-out and requests to delete because the statute's definition of personal information includes data that can reasonably be linked to "household," and one household member's request to opt-out or delete could impact other household members who may have different opt-out preferences.	No change has been made in response to this comment. The comment does not provide sufficient specificity for the Agency to make any modifications to the text. The comment also proposes an interpretation of the CCPA that is inconsistent with the language, structure, and intent of the CCPA. "Household" is statutorily defined in Civil Code § 1798.140(q). Civil Code § 1798.145(p) provides that obligations imposed on businesses regarding consumers' requests to delete do not apply to household data. Accordingly, implementing a more granular framework for requests to delete at the household level would exceed the scope of the Agency's rulemaking authority. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope. In contrast, the CCPA dictates that requests to opt-out apply to household data and be easy to execute. The regulations carry out the purpose and intent of the CCPA by favoring opt-outs for household data.	W53-7	0562

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
274.	Objects generally to Article 3's requirements for handling consumer requests. Claims that proposed regulations would delay and complicate existing insurance industry practices for handling consumer information and would ultimately harm consumers.	No change has been made in response to this comment. The comment objects to the CCPA, not the proposed regulation. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope. The comment also does not provide sufficient specificity to the Agency to make any modifications to the text. Absent a specific comment regarding this regulation, the Agency cannot provide a more specific response. Additionally, the regulations are meant to be robust and apply to a wide range of factual situations and across industries.	W61-8	0651
275.	Recommends including for clarity throughout Article 3 references to "business exemptions under 'subsection 1'" that conform with Civil Code Section 1798.145 in sections of Article 3 that reference "business exemptions under 'subsection 1'" but do not contain a "subsection 1."	No change has been made in response to this comment. It is unclear what the comment is saying. The comment does not provide sufficient specificity to the Agency to make any modifications to the text.	W61-11	0651
§ 7020. Methods for Submitting Requests to Delete, Requests to Correct, and Requests to Know				
– **Comments generally about § 7020**				
276.	Comment expresses support for (1) allowing businesses that operate exclusively online to provide only an email address for consumers to exercise their rights to delete, correct, or know; and (2) requiring businesses to consider how they primarily interact with consumers. Comment states § 7020 provides businesses with sufficient flexibility to comply with the law while providing a quality consumer experience.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W40-1	0411
277.	Recommend creating an exception in § 7020 that gives debt collectors and	No change has been made in response to these comments. Comments' proposed exception for FDCPA-covered businesses	W97-20 W97-21	1064 1064-1065

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	businesses subject to the federal Fair Debt Collection Practices Act (FDCPA) greater flexibility in providing methods for submitting CCPA requests. Claims (1) consumers of businesses subject to the FDCPA will be confused by businesses' providing consumers with information about how to submit the CCPA requests pursuant to § 7020's requirements; and (2) consumers are likely to erroneously believe that a CCPA request to delete is synonymous with a demand to cease communications under the FDCPA.	does not fall within any enumerated exception provided for by the CCPA. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope. Moreover, the comments do not provide any evidence supporting the contention that consumers are likely to be confused, thus necessitating a change to the regulations.		
– **§ 7020(a)**				
278.	Recommends that § 7020(a) be amended to apply only to businesses that operate "primarily" online rather than to businesses that operate "exclusively" online. Bases recommendation on claims that § 7020(b)'s requirement that businesses offer a toll-free number is (1) unduly burdensome, (2) may not match how consumers interact with businesses, and (3) presents significantly less flexibility for businesses that do not operate exclusively online	No change has been made in response to this comment. The comment objects to the CCPA, not the proposed regulation. Civil Code § 1798.130(a)(1)(A) governs businesses that operate "exclusively online," not "primarily online." Amending § 7020 as the comment suggests would allow a broader scope of businesses to provide only an email for CCPA requests, contrary to the express language provided by statute. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W40-2	0411
– **§ 7020(b)**				
279.	Object to § 7020(b)'s requirement that a business that does not operate exclusively online but that maintains an internet website must provide a method for submitting requests to delete, requests to correct, and requests to know through its	No change has been made in response to these comments. The comments object to the CCPA, not the proposed regulations. Civil Code § 1798.130(a)(1)(B) requires businesses that maintain internet websites to make the internet websites available to consumers to submit requests unless the business only needs to provide an email because it operates exclusively online and has a	W97-13 W97-14 W97-15 W97-16 W97-17 W97-18	1062 1062 1062 1062-1063 1063 1063

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	website. Comments claim that regulations require businesses to use webforms for such requests. Base objection on the claims that (1) current regulations would burden many Receivables Management Association International (RMAI) members who operate websites designed not to collect consumer information but merely to serve as online brochures despite the language in § 7020(c); and (2) requiring webforms would harm consumer privacy and data security by enabling bad actors to conduct cyberattacks through SQL injection attacks and other exploits such as spoofing.	direct relationship with a consumer from whom it collects personal information as described under Civli Code § 1798.130(a)(1)(A). The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope. Additionally, to the extent that the comments claim that regulations require businesses to specifically use webforms, the comments propose an inaccurate interpretation of the proposed regulations that is inconsistent with the express language used. Subsection 7020(b) provides that if a business maintains an internet website, one of the methods for submitting these requests must be through the website, "such as through a webform." Webforms are presented by the regulations as an example of one method rather than as a strict requirement. Moreover, the comments' argument regarding webforms is not convincing. There are plenty of businesses that deal with sensitive personal information that utilize webforms and web-portals in a secure manner.	W97-19	1063-1064
280.	Comments claim that the draft regulations no longer recognize providing a toll-free phone number as one of the acceptable methods for submitting requests to delete, requests to correct, and requests to know. Recommends amending regulations to (1) permit businesses to utilize a telephone or toll-free number in receiving requests from consumers; and (2) permit insurers to choose two methods that would be the most effective in honoring consumer rights rather than requiring a webform by default. Base recommendations on claims that (1) these changes will allow consumers to easily exercise their rights in a single phone call; (2) many insurers already have in place	No change has been made in response to these comments. The comments propose an inaccurate interpretation of the proposed regulations that is inconsistent with the express language used. Subsection 7020(b) recognizes providing a toll-free phone number as a required method for submitting requests to delete, requests to correct, and requests to know, unless a business fits within § 7020(a). Moreover, § 7020(c) provides businesses with discretion in considering the methods by which they primarily interact with consumers when determining which methods to provide for submitting requests to delete, correct, and know. The regulations are meant to be applicable to many factual situations and across industries, including the insurance industry.	W65-14 W65-15	0719 0719

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	well-functioning methods for receiving an opt-out requests from consumers as part of their GLBA, FIPA and PNPI compliance; and (3) webforms would not be practical for submitting requests for information in certain segments of the insurance industry, such as workers' compensation.			
§ 7021. Timelines for Responding to Requests to Delete, Requests to Correct, and Requests to Know				
– **Comments generally about § 7021**				
281.	Comments recommend that the Agency (1) "[c]larify that the 45-day time period for responding to requests to delete, requests to correct, and requests to know does not include delays on the part of or verifications being performed by the business. Rather, that it would be tied to inactivity on the part of the consumer;" and (2) amend § 7021(b) so that the 45-day timeline for responding to requests to delete, requests to correct, and requests to know begins "after validation is complete, while still permitting an additional 45-day extension if the business provides the appropriate notice and explanation." Comments base recommendations on concerns that validation of requests may take a significant amount of time and that the requirement that the business provide the consumer with a notice and explanation of reasons why an additional 45 days is required is overly burdensome,	No change has been made in response to these comments. Civil Code § 1798.106 gives consumers the right to request a business to correct inaccurate personal information that it maintains about the consumer. Section 7021 was revised accordingly to apply the existing timelines for responding to requests to delete and requests to know to the new right to correct. This change is necessary to operationalize the right to correct. ISOR, p. 25. Additionally, Civil Code § 1798.130(a)(2) explicitly states that the time to verify a consumer's request shall not extend the business's duty to respond within 45 days of receipt of the request. *See* Department of Justice, Attorney General's Office, *Final Statement of Reasons*, at p. 24 (June 1, 2020). In drafting these regulations, the Agency considered the burdens on businesses created by various time periods for responding to requests to delete, requests to correct, and requests to know. Section 7021 explicitly states that the business can deny the request if it cannot verify the consumer's identity within the 45-day time period. Separately, the business may extend its deadline by an additional 45 days upon providing notice to the consumer as allowed by Civil Code § 1798.130(a)(2). This arrangement both protects consumers from excessive wait times while providing businesses options in how to deal with a consumer that does not verify their request quickly.	W2-1 W35-14	0003-0004 0373

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	especially in instances where the delay in responding is not the fault of the business.			
– **§ 7021(a)**				
282.	Subsection 7021(a) requires businesses to confirm receipt of a request to correct within 10 business days. This is a cost that should have been addressed in a SRIA.	No change has been made in response to these comments. For the purposes of its economic analysis the Agency looked to the legal environment that consists of existing California law as well as other relevant privacy obligations to comprise the baseline economic conditions for the proposed regulations. The analysis contemplated whether the proposal created obligations not found in existing law. A SRIA addresses economic impacts caused by the proposed regulation and should not include the baseline costs associated with existing law or regulations. This subsection reiterates that requests to correct follow the same process as requests to delete and requests to know. This requirement is already established under existing right to know obligations, and thus, there is no regulatory cost to address in a SRIA.	W9-17 W13-3	0049-0050 0158
283.	Comment states that 10 business days is more than ample time. Comment suggests that it is a little long and 48-72 hours is more than reasonable.	No change has been made in response to this comment. Ten business days provides a reasonable time for businesses to respond to consumers and confirm receipt of their request. Further analysis is required to determine whether a regulation shortening the timeline for confirmation is necessary.	O30-2	D2 34:23-35:3
– **§ 7021(b)**				
284.	Comment states that 45 days is long, particularly for deletion. For requests to know, the longer time should only be extended to provide time for back-and-forth communication for compliance. Deletion does not require this communication.	No change has been made in response to this comment. The CCPA provides businesses with 45 days to comply with consumer requests to know, correct, or delete. *See* Civ. Code § 1798.130(a)(2). The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	O30-3	D2 35:4-35:9

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
§ 7022. Requests to Delete				
– **Comments generally about § 7022**				
285.	Comment agrees that a business should be required "to make reasonable efforts to notify service providers and third parties" of a request to delete.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W69-31	0770
286.	As it relates to § 7022, comment contends that having to provide detailed explanations of the reasons it is impossible or involves disproportionate effort to notify service providers and contractors of a consumer's request to delete is "extremely burdensome" and inconsistent with Civil Code § 1798.105(c)(1). Comment proposes deleting (1) the language in subsection (b)(3) requiring businesses to provide a detailed explanation to consumers when the business will not notify service providers or contractors based on impossibility or disproportionate effort and (2) the language in subsection (c)(4) requiring the same of service providers and contractors.	Accept in part. Subsection 7022(c)(4) has been revised to delete the requirement that service providers and contractors provide detailed explanations when they claim notifying any other service provider or contractor of a consumer's request to delete would be impossible or involve disproportionate effort. However, no change has been made to § 7022(b)(3), which imposes that requirement on businesses. The comment misreads Civil Code § 1798.105(c)(1) when it contends that the statute precludes the regulation. The statute provides that a business that receives a request to delete from a consumer "shall delete the consumer's personal information from its records, notify any service providers or contractors to delete the consumer's personal information from their records, and notify all third parties to whom the business has sold or shared such personal information, to delete the consumer's personal information, unless this proves impossible or involves disproportionate effort." Civ. Code § 1798.105(c)(1). The statute excuses compliance with the notification requirement when doing so would be impossible or involve disproportionate effort. It does not excuse businesses from having to explain why compliance is impossible or involves disproportionate effort. As explained in the ISOR, "[r]equiring an explanation is necessary to prevent businesses from . . . simply stating it is impossible or involves disproportionate effort. An explanation would allow the consumer and those enforcing the statute to hold businesses accountable with relatively little cost to the business." ISOR, p. 25. Requiring businesses to provide consumers with a detailed explanation of why a request to	W89-25	0960-0961

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		delete has been denied is "necessary to provide consumers transparency into the business's practices. It also prevents businesses from using statutory or regulatory exceptions to retain data for their own purposes in derogation of the consumer's request." ISOR, p. 26. The regulation is thus necessary to effectuate consumers' right to delete.		
287.	Comments request that the Agency provide examples of, and clarify the distinction between, when a business may delete personal information from backup systems under § 7022(b) and what type of access may trigger the requirement to delete personal information from a backup system under § 7022(d). Comments propose amending § 7022(d) to clarify when deletion is required.	No change has been made in response to these comments. The regulation is meant to apply to a wide range of factual situations involving consumers' right to delete. The comments' request that the regulation provide examples is not more effective in carrying out the purpose and intent of the CCPA because comprehension may be contextual and specific to the industry or business. Nor is there any need to clarify the relationship between § 7022(b) and § 7022(d). The two provisions are complementary. Subsection 7022(b) provides that businesses' obligation to comply with consumers' requests to delete does not extend to consumers' personal information existing on archived and backup systems. Subsection 7022(d) provides that the obligation to comply is delayed until certain conditions are met. There is no inconsistency between the two provisions, and therefore no need to change them. Nor is there any need to amend § 7022(d) to clarify when deletion is required. The provision is clear about when the obligation arises to delete personal information existing on archived or backed-up systems.	W11-20 W25-11 W45-11 W52-58	0147 0243 0469-0470 0550-0551
288.	Comment requests clarification that right to delete applies to more than "a business that has had direct contact with the consumer." Comment states concern that a business could set up "strawman entities" to collect consumers' personal information, and then share information with the business.	No change has been made in response to this comment. Civil Code § 1798.105(a) states that the a consumer has the right to request that a business delete any personal information about the consumer which the business has collected from the consumer. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W2-3	0007

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
289.	Comment claims that a business would be in compliance with consumer requests to delete only if it "permanently and completely eras[es] the personal information on the consumer." It requests that the Agency provide examples to clarify that de-identifying and anonymizing personal information removes it from the purview of a request to delete.	No change has been made in response to this comment. The comment's interpretation of the regulation is inconsistent with the regulation's language. It ignores the latter portion of § 7022(b)(1), which states that a business may also comply by "deidentifying the personal information, or aggregating the consumer information." Given the explicit language of the regulation, as well as the CCPA's definitions of "de-identified" and "aggregate consumer information," it is unnecessary to provide further examples. *See* Civ. Code § 1798.140(b), (m).	W20-22	0210
290.	Comments state that requirements for a business to provide a consumer with detailed explanations after denying a request to delete in whole or in part are too onerous and not commensurate to consumer benefit and should be removed.	No change has been made in response to these comments. As explained in the ISOR, "[r]equiring an explanation is necessary to prevent businesses from . . . simply stating it is impossible or involves disproportionate effort. An explanation would allow the consumer and those enforcing the statute to hold businesses accountable with relatively little cost to the business." ISOR, p. 25. It further explains that requiring businesses to provide consumers with a detailed explanation of why a request to delete has been denied is "necessary to provide consumers transparency into the business's practices. It also prevents businesses from using statutory or regulatory exceptions to retain data for their own purposes in derogation of the consumer's request." ISOR, p. 26.	W69-32 W89-22	0770-0771 0959
291.	Comments suggest extending the disproportionate effort standard to a business's obligation to delete, including when the request to delete pertains to unstructured data.	No change has been made in response to these comments. The Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. The CCPA does not explicitly provide an exception to the request to delete if it requires disproportionate effort. Further analysis is required to determine whether a regulation on this issue is necessary.	W69-33 W69-34	0771 0771
– **§ 7022(b)**				
292.	Comment strongly supports the language in § 7022(b)(3) requiring a detailed explanation to "include enough facts to	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W90-20	1001

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	give a consumer a meaningful understanding as to why the business cannot notify all third parties."			
293.	Comment suggests revising § 7022(b)(2) to state that a business must comply with a request to delete by either deleting personal information processed on behalf of the business by its service providers or contractors if enabled to do so, or by notifying the business's service providers or contractors to delete it.	Accept in part. Subsection 7022(b)(2) has been revised to include situations where a service provider or contractor has enabled the business to delete personal information that the service provider or contractor has collected pursuant to their written contract with the business.	W17-5	0179
294.	Comment expresses concern that businesses may "take consumer information, label it as something else, and refuse to delete that information when it receives a Request to Delete." Comment requests that the Agency clarify the regulation to provide that re-classifying consumer information is insufficient to constitute deletion.	No change has been made in response to this comment. The regulation is reasonably clear. Subsection 7022(b)(1) provides that a business must comply with a consumer's request to delete by "[p]ermanently and completely erasing the personal information from its existing systems archived or back-up systems, deidentifying the personal information, or aggregating the consumer information." To the extent the comment raises specific legal questions that would require a fact-specific determination, the commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W2-2	0005-0006
295.	Subsection 7022(b)(3) requires a business to notify all third parties to whom the business sold or shared personal information after a request to delete has been received. This is a cost that should have been addressed in a SRIA. The cost analysis significantly underestimates implementation costs, specifically, the cost of providing a factual basis for contending that compliance would be impossible or involve disproportionate effort.	No change has been made in response to these comments. For the purposes of its economic analysis the Agency looked to the legal environment that consists of existing California law as well as other relevant privacy obligations to comprise the baseline economic conditions for the proposed regulations. The analysis contemplated whether the proposal created obligations not found in existing law. A SRIA addresses economic impacts caused by the proposed regulation and should not include the baseline costs associated with existing law or regulations. Any costs associated with this subsection are attributable to a requirement in the law because Civil Code § 1798.105(c)(1) requires a business that has received a	W9-18 W13-3 W63-32 W84-9	0050 0158 0699 0920

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		request to delete to notify all third parties to whom it has sold or shared that consumer's personal information to delete it. Thus, there is no regulatory cost to address in a SRIA.		
296.	Comments claim that requiring businesses to provide a "detailed explanation" to consumers when the business claims that notifying some or all third parties would be impossible or involve disproportionate effort is burdensome. Comment suggests deleting the final two sentences of § 7022(b)(3).	No change has been made in response to these comments. As explained in the ISOR, "[r]equiring an explanation is necessary to prevent businesses from . . . simply stating it is impossible or involves disproportionate effort. An explanation would allow the consumer and those enforcing the statute to hold businesses accountable with relatively little cost to the business." ISOR, p. 25. It further explains that requiring businesses to provide consumers with a detailed explanation of why a request to delete has been denied is "necessary to provide consumers transparency into the business's practices. It also prevents businesses from using statutory or regulatory exceptions to retain data for their own purposes in derogation of the consumer's request." ISOR, p. 26.	W28-80 W57-18 W69-32	0307 0597 0770-0771
297.	Comment contends that requiring businesses to comply with a consumer's request to delete their personal information by notifying all third parties to whom the business has sold or shared the personal information entails improper retroactive application of the right to delete not intended by the voters who enacted the CCPA.	No change has been made in response to this comment. The comment objects to the CCPA, not the proposed regulation. The language in § 7022(b)(3) that the comment objects to is, almost verbatim, from Civil Code § 1798.105(c)(1). The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W37-15	0392
298.	Comment states that some businesses might not be able to negotiate contract terms with third parties that would allow the businesses to comply with the CCPA and proposes that the regulations should be revised to eliminate the requirement, or that "a more practical approach should be adopted." Businesses should not be	No change has been made in response to this comment. The comment objects to the CCPA, not the proposed regulation. The CCPA requires businesses to contractually require third parties to comply with applicable obligations under the law, including the deletion of personal information when a request to delete has been forwarded to them. *See* Civ. Code §§ 1798.100(d) and 1798.105(c)(1); *see also* Response # 608. The Agency cannot	W37-17	0392-0393

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	"responsible for the third party's compliance" with the CCPA and these regulations.	implement regulations that alter or amend a statute or enlarge or impair its scope.		
299.	Comments suggest deleting § 7022(b)(3) because it "presupposes" that a consumer who requests Company A to delete their information also intends that the information be deleted by Company B, with whom Company A shared the consumer's personal information. Comments suggest that providing "greater flexibility" to businesses that receive a request to delete personal information that they have shared or sold to third parties would improve efficiency for customers and reduce the administrative burden on businesses.	No change has been made in response to these comments. The comments object to the CCPA, not the proposed regulation. The language in § 7022(b)(3) that the comments object to is, almost verbatim, the language of Civil Code § 1798.105(c)(1). The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W52-32 W52-60	0535 0553
300.	Comment suggests revising § 7022(b) to include "reasonable limits" on the right to delete, such as by limiting the right to personal information sold or shared under existing contracts or within the last year.	No change has been made in response to this comment. The comment's proposed change is inconsistent with the text of the CCPA. The CCPA places an effort-based limitation on the right to delete, not a temporal one, as suggested by the comment. *See, e.g.*, Civ. Code § 1798.105(c)(1). The business must comply except where compliance would be "impossible or involve[] disproportionate effort" or where other enumerated exceptions apply. *See* Civ. Code §§ 1798.105(c), (d); *see* also, Civ. Code § 1798.145. Section 7022 is consistent with and implements this requirement. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W72-9	0800
– **§ 7022(c)**				
301.	Comments suggest revising § 7022(c) to recognize that a service provider or contractor can comply by enabling the business from whom they receive a	Accept in part. Subsection 7022(c) has been revised to recognize that service providers and contractors may enable businesses to delete personal information that they collected pursuant to their written contract with the businesses.	W17-1 W17-4	0176-0178 0179

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	consumer's personal information to delete the information.			
302.	Comment suggests revising § 7022(c) to make clear that when a service provider or contractor receives a request to delete from a business relating to a consumer's personal information, the obligation to delete should be limited to the copy of the personal information received from the business transmitting the request. Under this proposal, a service provider or contractor would not be obligated to delete copies of the consumer's personal information obtained from other businesses.	Accept in part. Subsection 7022(c) has been revised, in pertinent part, to provide that "A service provider or contractor shall, *with respect to personal information that they Collected pursuant to their written contract with the business* . . ." (addition italicized). "Collected" is defined by the CCPA to mean "buying, renting, gathering, obtaining, receiving, or accessing any personal information pertaining to a consumer by any means. This includes receiving information from the consumer, either actively or passively, or by observing the consumer's behavior." Civ. Code § 1798.140(f). This definition covers more than the personal information "received" from the business transmitting the request.	W84-7	0919
303.	Comment suggests that the disproportionate effort standard should apply to requests to delete and should be modified to require "reasonable efforts" to notify third parties. Comment further suggests deleting the second two sentences in § 7022(c)(4).	No change has been made in response to this comment. The Agency has deleted the last two sentences of § 7022(c)(4), and thus, the comment pertaining to that subsection is now moot. To the extent that the comment still applies to the modified regulation, the comment objects to the CCPA, not the proposed regulation. The language in § 7022(c)(4) that the comment objects to is, almost verbatim, from Civil Code § 1798.105(c)(3). The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W10-24	0113-0114, 0117
304.	Comments suggest deleting the requirement in § 7022(c)(4) that service providers and contractors provide businesses with a "detailed explanation" of why it was impossible or required disproportionate effort to tell third parties to delete personal information that is	No change has been made in response to these comments. The Agency has deleted the last two sentences of § 7022(c)(4), and thus, these comments are now moot.	W24-20 W28-81 W43-8 W57-18	0234 0307-0308 0438 0597

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	subject to a request to delete. Claims that it is burdensome.			
305.	Comments propose deleting "may have" in the first sentence of § 7022(c)(4) because the phrase "creates ambiguity."	No change has been made in response to these comments. The regulation is reasonably clear based on the plain meaning of the words and can be easily understood by those directly affected by the proposal. Moreover, the language that the comments object to is verbatim from Civil Code § 1798.105(c)(3) ("The service provider or contractor shall notify any service providers, contractors or third parties who *may have* accessed such personal information from or through the service provider or contractor . . . ." (emphasis added)).	W48-5 W97-22	0489 1065
306.	Comment proposes adding "business" and "third party" to the first sentence of § 7022(c).	No change has been made in response to this comment. As explained in the ISOR, "Subsection (c) . . . make[s] clear what is required of service providers and contractors who have been instructed by the business to comply with a consumer's request to delete." ISOR, p. 25. The subsection implements Civil Code § 1798.105(c)(3). Subsection 7022(b) applies to businesses. Third-party obligations are found in §§ 7052 and 7053.	W60-33	0636
– **§ 7022(d)**				
307.	Comment supports permitting businesses, service providers, and contractors to delay deletion when personal information is archived or in back-ups.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W20-24	0211
308.	Comments request clarification as to when it is appropriate to keep archived data, and recommend permitting archive or back-up when businesses provide a legitimate, documented purpose for doing so.	No change has been made in response to these comments. Civil Code § 1798.100(c) requires that a business's retention of personal information be reasonably necessary and proportionate to achieve the purposes for which the personal information was collected or processed, or for another disclosed purpose that is compatible with the context in which the personal information. Section 7002 already provides substantial guidance regarding that requirement. The Agency has determined that it is not necessary to provide additional guidance or examples within § 7022 at this time.	W20-25 W20-26	0211 0211

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
309.	Comments ask if term "access" includes *de minimus*, temporary, or transient access for maintenance, information security, fraud, system improvement, and other purposes that do not require length or permanent access nor use or disclosure of personal information outside of limited purposes mentioned.	No change has been made in response to these comments. The regulation is reasonably clear based on the plain meaning of the text. Subsection 7022(d) allows for delayed compliance for personal information stored on archived or backup systems "until the archived or backup system relating to that data is restored to an active system or is next accessed or used for a sale, disclosure, or commercial purpose." The comments appear to raise legal questions that would require a fact-specific determination. The commenters should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance.	W25-12 W45-12	0243 0470
310.	Comment states that requirement to delete personal information when an archived or backup system becomes active is burdensome. Comment proposes two-part test that instead requires deletion of information when it is restored to an active system and next accessed or used for sale, disclosure, or commercial purpose.	No change has been made in response to this comment. The Agency has made efforts to limit the burden of the regulations while implementing the CCPA. As noted in the ISOR, what is now § 7022(d) "balances the interests of consumers with the potentially burdensome costs of deleting information from backup systems that may never be utilized." ISOR, p. 26. Once a system containing a consumer's personal information becomes active, a consumer's interest in having their request to delete honored outweighs the business's interest in avoiding the cost of complying with the request. The regulation, which adopts the text of the Attorney General's 2020 regulation with minor additions, reflects a compromise so businesses do not have to make backup systems active for the sole purpose of honoring requests to delete. *See* ISOR, App. A, p. 1 (citing California Department of Justice, Attorney General's Office, *Final Statement of Reasons* (June 1, 2020)); *see* also Department of Justice, Attorney General's Office, *Final Statement of Reasons*, p. 28 (June 1, 2020). The alternative proposed in the comment seeks to rebalance that interest by diminishing consumers' right to delete in favor of administrative cost-saving for businesses. The Agency does not find a need for such a rebalancing at this time.	W35-15	0373

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
311.	Comments suggest adding "third party" to the list of entities covered in § 7022(d).	No change has been made in response to these comments. Sections 7052 and 7053 address third party obligations. The Agency has determined that it is not necessary to address third party obligations within § 7022 at this time.	W60-34 W60-35	0636 0637
– **§ 7022(e)**				
312.	Comment suggests deleting the final sentence of this subsection because it conflicts with § 7101(a), which requires records be retained for 24 months.	No change has been made in response to this comment. The comment's interpretation of the regulation is inconsistent with the regulation's language. The final sentence of § 7022(e) does not conflict with § 7101(a). Subsection 7101(a) requires that records of all consumer CPPA requests be kept for at least 24 months. Subsection 7022(e) allows records of consumers' request to delete to be retained, at the business's discretion, to ensure the consumer's personal information remains deleted. There is no conflict between the two provisions.	W84-8	0919-0920
– **§ 7022(f)**				
313.	Comment identifies a typographical error in § 7022(f)(1).	Accept. The typographical error has been fixed.	W90-21	1002
314.	Comments suggest deleting requirement for businesses, service providers, and contractors to provide consumers with a detailed explanation why deletion would be impossible or involve disproportionate effort because (1) requirements may be burdensome on businesses without adding additional benefit, (2) ensuring an accurate chain of communications to third parties may not be feasible, (3) the Agency's proposed requirements for detailed explanations go beyond the statute, or (4) it may confuse consumers' understanding of the process.	No change has been made in response to these comments. The requirement that businesses provide a detailed explanation when denying a request to delete is fully consistent with the statute. As explained in the ISOR, "[r]equiring an explanation is necessary to prevent businesses from . . . simply stating it is impossible or involves disproportionate effort. An explanation would allow the consumer and those enforcing the statute to hold businesses accountable with relatively little cost to the business." ISOR, p. 25. The ISOR further explains that requiring businesses to provide consumers with a detailed explanation of why a request to delete has been denied is "necessary to provide consumers transparency into the business's practices. It also prevents businesses from using statutory or regulatory exceptions to retain data for their own purposes in derogation of the consumer's request." ISOR, p. 26. The burden imposed on businesses is offset by the consumer's	W24-21 W28-75 W28-76 W28-77 W28-78 W28-79 W28-82 W45-13 W45-14 W52-30 W57-17	0234 0308 0308 0308 0308 0309 0308 0470 0470 0534-0535 0597

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		need to be informed on the status of their right to delete. Providing a detailed explanation should, in most scenarios, mirror the business's decisionmaking process, meaning the detailed explanation should simply relay a decisionmaking process already required under the CCPA and regulations. The comments do not explain why providing consumers with a detailed explanation of a denial of a request to delete will affect the accuracy of the chain of communications to third parties, and, to the extent the Agency understands the comment, the Agency is not aware of any reason that would be the case. Nor does the Agency find persuasive the suggestion that explaining the reasons for a denial will confuse consumers. This may be the case if the explanation is worded opaquely or confusingly, but the Agency believes businesses are capable of providing detailed explanations that are clear and not confusing.		
315.	Comment requests that the Agency provide examples of the kind of information that would satisfy the requirement for a "detailed explanation" of the basis for the denial.	No change has been made in response to this comment. The regulation is meant to apply to a wide range of factual situations involving consumers exercising their right to delete. The comment's proposal to provide examples is not more effective in carrying out the purpose and intent of the CCPA because comprehension may be contextual and specific to the industry or business. As a result, the Agency has determined that no further clarification is needed at this time.	W48-6	0489
316.	Comment suggests adding a sentence to the regulation stating that the requirement does not apply to businesses that are subject to federal laws or regulations governing how personal information is maintained.	No change has been made in response to this comment. Allowing a subset of businesses to provide no explanation of why they are denying a request to delete is inconsistent with protecting consumers' right to delete. As explained in the ISOR, "[r]equiring an explanation is necessary to prevent businesses from . . . simply stating it is impossible or involves disproportionate effort. An explanation would allow the consumer and those enforcing the statute to hold businesses accountable with relatively little cost to the business." ISOR, p. 25. The ISOR further explains that requiring	W52-54	0547-0548

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		businesses to provide consumers with a detailed explanation of why a request to delete has been denied is "necessary to provide consumers transparency into the business's practices. It also prevents businesses from using statutory or regulatory exceptions to retain data for their own purposes in derogation of the consumer's request." ISOR, p. 26.		
317.	Comment states that the requirement that businesses provide a "detailed explanation" would "potentially harm security" by disclosing important information about the business to bad actors. The comment further suggests that requiring businesses to "describe the basis for the denial" is sufficient to protect the consumer's right to delete.	No change has been made in response to this comment. The regulation does not require businesses to include sensitive business information in their detailed explanation of the basis for the denial. The business has discretion in determining what to include in its detailed explanation. The comment does not explain how, and the Agency does not agree that, providing a detailed explanation would harm security, especially given that the business has discretion in crafting the explanation. The requirement that businesses provide a detailed explanation is "necessary to operationalize the CPRA amendments to the CCPA and to make clear the obligations of a business in denying a consumer's request to delete. The subsection is also necessary to provide consumers transparency into the business's practices. It also prevents businesses from using statutory or regulatory exceptions to retain data for their own purposes in derogation of the consumer's request." ISOR, p. 26.	W63-33	0699-0700
– **§ 7022(h)**				
318.	Comment supports presenting consumers with all data deletion options.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W51-4	0511
319.	Comments suggest that businesses be permitted to provide consumers with links to support pages and other resources rather than providing a detailed explanation of how to delete each type of information from each product or service in the deletion process. Comments propose	Accept in part. The regulation has been revised to provide, as an example, that "a business may provide the consumer with a link to a support page or other resource that explains consumers' data deletion options."	W51-5 W51-6	0511-0512 0512

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	adding a sentence to § 7022(h) allowing businesses to inform consumers of their options with a link to a support page.			
§ 7023. Requests to Correct				
– **Comments generally about § 7023**				
320.	Expresses support for § 7023. States that regulations create a smooth and streamlined regime that will allow consumers to easily correct their personal information.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W66-14	0729
321.	Claim that § 7023(d) and (g) unnecessarily burden businesses by requiring that they to respond to "potentially endless" requests to correct, that regulations already give consumers significant control over their personal information, and/or that a safe harbor for good-faith determinations of accuracy made by businesses would provide businesses with greater certainty. Recommend various changes to subsections (b), (d), (g), and/or (h) such that (1) the consumer is required to make a good-faith effort to include all relevant documentation available at the time of the initial request to correct; (2) the consumer is required to include in subsequent requests to correct relevant documentation that was not available to the consumer at the time of the initial request; and (3) businesses are protected by a safe harbor when making good-faith determinations as required by the regulations.	Accept in part. The Agency has modified § 7023(d) to add that consumers are to make a good-faith effort to provide businesses with all necessary information available at the time of the request, and thus, some portions of this comment is now moot. Regarding the comments' other recommendations, the Agency considered consumers' and businesses' interests in drafting the regulations, consistent with the intent and purpose of the CCPA, and consistent with the CCPA's direction that the Agency establish rules and procedures to further the purposes of Civil Code § 1798.106 and facilitate consumers' ability to correct inaccurate personal information with the goal of minimizing the administrative burden on consumers. *See* Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), §§ 3(A)(2) and (3), 3(B)(4), (C)(1) and (2); Civ. Code § 1798.185(a)(7). As explained in the ISOR, § 7023(g) already aims to minimize the burden on businesses by allowing them to deny a consumer's request to correct if, within the preceding six months, the consumer made a request to correct the same piece of information that the business denied. ISOR, p. 30. In addition, § 7023(h) allows a business to deny a request to correct if it has a good-faith, reasonable, and documented belief that a request to correct is fraudulent or abusive. ISOR, p. 31. Regarding the comments' proposed safe harbor, compliance with the CCPA and	W18-5 W18-6 W18-7 W18-8 W89-24	0193-0194 0194 0194 0194 0959-0960

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		the regulations is a fact-specific determination. The comments do not provide substantial evidence or justification that the proposed safe harbor is necessary to effectuate the purpose of the CCPA.		
322.	Comment contends that § 7023 should be amended to excuse businesses from instructing certain service providers and contractors to make the necessary corrections in their systems if notification proves impossible or involves disproportionate effort.	No change has been made in response to this comment. The Agency has determined that this modification is not necessary. Subsection 7023(f) already provides for the situation in which a business determines that responding to a request to correct would be impossible or would involve disproportionate effort.	W89-25	0960-0961
323.	Revise § 7023(b) to replace "more likely than not accurate based on the totality of the circumstances" with "reason to believe that the requested correction may not be accurate," and delete § 7023(b)(2), because the current regulation (1) burdens businesses with legal risks and the operational tasks of adjudicating the truth of disputed information, (2) pushes businesses towards accepting consumer assertions despite their potential lack of truthfulness, and (3) facilitates the collection and propagation of inaccurate information.	No change has been made in response to these comments. The Agency has determined that the comments' proposed changes are (1) not authorized by the CCPA, (2) do not further the purposes of the CCPA, and (3) contradict discretionary policy determinations implemented by these regulations. They are not more effective in carrying out the purpose and intent of the CCPA. In contrast, § 7023(b)'s standard provides a flexible approach for businesses to determine whether contested personal information is more likely than not accurate. As explained in the ISOR, § 7023(b) and (b)(2) are consistent with the structure, intent, and purpose of the CCPA, and § 7023(b) is informed by public comments the Agency received during preliminary rulemaking activities. *See* ISOR, pp. 27-28. The CCPA directs the Agency to establish rules and procedures to further the purposes of Civil Code § 1798.106, to facilitate consumers' ability to correct inaccurate personal information with the goal of minimizing the administrative burden on them, and to establish standards governing how a business responds to a request for correction, how concerns regarding the accuracy of the information may be resolved, and the steps a business may take to prevent fraud. *See* Civ. Code § 1798.185(a)(7), (a)(8)(A)-(C). To the extent the comments object to the CCPA, the Agency cannot implement regulations that alter or amend a statute or enlarge or	W59-39 W59-40 W59-47 W59-48 W59-49 W59-50 W59-51 W59-52	0614 0614 0614 0614 0614 0614 0614 0614

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		impair its scope. In drafting these regulations, the Agency considered consumers' and businesses' interests, consistent with the intent and purpose of the CCPA, including providing consumers with control over their personal information, strengthening consumer privacy while giving attention to the impact on business, and providing businesses and consumers with clear guidance about their responsibilities and rights. *See* Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), §§ 3(A)(2) and (3), 3(B)(4), (C)(1) and (2). Moreover, the regulation includes protections against fraudulent assertions of inaccuracies, including that a business may deny a request to correct if it cannot verify the identity of the requestor, determines that the contested personal information is more likely than not accurate based on the totality of the circumstances, has denied the consumer's request to correct the same alleged inaccuracy within the past six months, or has a good-faith, reasonable, and documented belief that a request to correct is fraudulent or abusive. *See* § 7023(a), (b), (g), (h). For the reasons set forth in the ISOR, the Agency determined that the regulation will benefit both businesses and consumers by setting forth consistent processes for handling requests to correct, while also affording businesses flexibility to evaluate the nature of the contested information, its use and source, and its impact on the consumer when determining how to appropriately respond to a request to correct. ISOR p. 27		
324.	Amend § 7023(c) and (i) to (1) clarify that a business is not required to correct information that it has received from a third party and may instead refer the consumer to the third party from which it received the personal information for correction, (2) clarify that third-party sources of inaccurate information are	No change has been made in response to these comments. The comments propose an interpretation of the CCPA that is inconsistent with the language, structure, and intent of the CCPA. Civil Code § 1798.106 gives the consumer the right to request a business that maintains inaccurate personal information about the consumer to correct it and creates a duty for businesses that receive verifiable consumer requests to correct inaccurate personal information. There is no statutory basis for absolving businesses of	W11-1 W11-2 W11-24 W41-14 W52-31 W52-59	0141-0142 0142 0148 0422-0423 0535 0551-0553

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	primarily responsible for ensuring that the incorrect personal information is corrected in third-party systems, (3) clarify that businesses are only required to inform consumers of the names of sources from which they received inaccurate information, and/or (4) allow a business to communicate the consumer's request to a third-party source instead of providing the consumer with the name of the source from which the business received the alleged inaccurate information.	their obligation to correct inaccurate information based on the source of the personal information. To the extent that the comments propose changes to the requirement that the business inform the consumer of the names of sources from which the business received inaccurate information, the comments are now moot because § 7023(i) has been modified to replace "shall" with "may." Separately, the regulations do not prohibit the business from communicating the consumer's request to a third-party source.		
325.	Claims that § 7023 may result in unintended consequences for the insurance industry because insureds should use existing mechanisms under insurance laws to request correction of claims-related information rather than the CCPA's right to correct.	No change has been made in response to this comment. It is unclear what the comment is saying. The comment does not provide sufficient specificity to the Agency to make any modifications to the text. To the extent this comment involves harmonizing the CCPA with the existing Insurance Code provisions and regulations relating to consumer privacy, in compliance with Civil Code § 1798.185(a)(21), the Agency is reviewing current and proposed insurance privacy laws and will issue any necessary regulations at a future date.	W65-8	0718
326.	Comments propose various amendments to § 7023, including to (1) grant businesses the option to treat a request to correct in the same manner as a request to delete, and to (2) permit a business to deny a request to correct if it is "reasonably necessary to maintain the information without correction for any of the activities set forth in Civil Code § 1798.105(d), because (1) the totality of the circumstances test, the requirement that	No change has been made in response to these comments. Civil Code § 1798.106 gives consumers the right to request a business to correct inaccurate personal information that it maintains about the consumer. The right to correct is separate and distinct from the right to delete under the CCPA. In drafting these regulations, the Agency considered giving businesses the option of responding to a request to correct as it would a request to delete, but determined that the option to delete should only be allowed when doing so would not result in additional or continued harm to the consumer, or if the consumer consents to deletion instead of correction. As explained in the ISOR, this subsection was informed by public	W52-55 W72-10 W72-11	0548-0549 0800-0801 0801

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	the consumer's assertion of inaccuracy may be sufficient to establish that personal information is inaccurate, and the requirement to provide detailed explanations of why it denied the request create challenges for businesses that do not directly interact with consumers, and (2) it should be clear that a business does not have obligations to correct data where it does not have obligations to delete it.	comments submitted to the Agency during preliminary rulemaking activities, some of which note that deletion is not an appropriate substitution for correction in certain instances (for example, where deleting rather than correcting an entry could negatively affect a consumer's creditworthiness). Thus, § 7023(e) aims to balance competing interests while minimizing burdens associated with the right to correct on both consumers and businesses, and to prevent deletion from improperly being used as a substitute for correction. ISOR, p. 29.		
327.	Modify § 7023 by clarifying that nothing in the regulations shall (1) restrict the ability of a business, service provider, contractor, or third party to ensure security and integrity; to address malicious, deceptive, fraudulent, or illegal activity; or to exercise or defend legal claims; or (2) require a business, service provider, contractor, or third party to take any action that adversely affects the rights and freedoms of other natural persons, seek out other persons that may have or claim to have rights to personal information, or take any other action in the event of a dispute among persons claiming rights to personal information in the business's possession.	No change has been made in response to this comment. Comment's proposed modifications are unnecessary because the CCPA is reasonably clear. Civil Code § 1798.145 already provides the statutory exemptions from obligations imposed on businesses under the CCPA. For example, Civil Code § 1798.145(k) provides that the rights afforded to consumers and the obligations imposed on the business under the CCPA shall not adversely affect the rights and freedoms of other natural persons, and Civil Code § 1798.145(a)(5) provides an exemption for exercising of defending legal claims. The CCPA also states that a business is under no legal requirement to seek out other persons that may have or claim to have rights to personal information, nor to take any action under the CCPA in the event of a dispute between or among persons claiming rights to personal information in the business's possession. Civ. Code § 1798.145(k). Comment's proposed exemption for ensuring "security and integrity" is not more effective in carrying out the purpose and intent of the CCPA. The regulation already includes protections against fraudulent assertions of inaccuracies, including that a business may deny a request to correct if it cannot verify the identity of the requestor, determines that the contested personal information is more likely than not accurate based on the totality of the circumstances, has denied the consumer's request to	W77-2	0839-0840

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		correct the same alleged inaccuracy within the past six months, or has a good-faith, reasonable, and documented belief that a request to correct is fraudulent or abusive. *See* § 7023(a), (b), (g), (h).		
– **§ 7023(b)**				
328.	Expresses support for allowing a business to deny a consumer's request to correct if it determines that the contested information is more likely than not accurate based on the totality of circumstances, including the documentation relating to the accuracy of the information. States that modifications address automotive companies' concerns about requests to correct data generated by vehicle systems, sensors, and other components.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W41-13	0422
329.	Comments object to § 7023(b)'s requirement that businesses consider the totality of the circumstances in determining the accuracy of the personal information that is the subject of a request to correct. Comments claim that (1) regulations improperly or unnecessarily put the burden of proving accuracy on businesses, service providers, and contractors rather than the consumer; (2) regulations fail to provide adequate guidance on how to perform assessments; and/or (3) regulations fail to provide real-life examples of personal information inaccuracies.	No change has been made in response to these comments. The comments do not provide sufficient specificity for the Agency to make any modifications to the text. Regarding the comments' observations about § 7023(b)'s requirements and guidance, the Agency considered consumers' and businesses' interests in drafting the regulations and the need for the regulations to apply to a wide range of factual situations and across different industries. As explained in the ISOR, § 7023(b)'s standard provides a flexible approach for businesses to determine whether contested personal information is more likely than not accurate. This is consistent with the structure, intent, and purpose of the CCPA; is informed by public comments the Agency received during preliminary rulemaking activities; and will benefit both businesses and consumers by setting forth consistent processes for handling requests to correct, while also affording businesses flexibility to evaluate the nature of the contested information, its use and source, and its impact on the consumer when determining how to	W11-21 W20-27 W52-55 W89-23	0147-0148 0211 0548-0549 0959-0960

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		appropriately respond to a request to correct. *See* ISOR, pp. 27-28. Regarding the comments' suggestion to provide real-life examples of personal information inaccuracies, that is not more effective in carrying out the purpose and intent of the CCPA because comprehension may be contextual and specific to the industry or business. The Agency has determined that no modifications are necessary at this time.		
330.	Object to § 7023(b)(2)'s providing that the consumer's assertion of inaccuracy may be sufficient to establish that the personal information is inaccurate if the business is not the source of the personal information and has no documentation to support the accuracy of the information.	No change has been made in response to these comments. The comments' suggestion that a consumer's mere assertion of inaccuracy *would* control a business's decision to correct or delete is inconsistent with the language, structure, and intent of the regulation. The subsection states that the consumer's assertion of inaccuracy "may" be sufficient to establish that the personal information is inaccurate when the business has no documentation of its own to support the accuracy of the information. As explained in the ISOR, this approach minimizes the administrative burden on consumers, consistent with Civil Code § 1798.185(a)(7), and also benefits businesses by instructing them how to proceed in the absence of any documentation of either accuracy or inaccuracy. ISOR, p. 28. To the extent the comments raise specific legal questions pertaining to testing organizations and seeks legal advice regarding the CCPA, the commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulations provide general guidance and are meant to apply to a wide range of factual situations and across different industries.	W20-28 W20-29	0211 0211
331.	Comments recommend various amendments to the regulations, including (1) replacing the requirement that businesses consider the totality of the circumstances with a requirement that businesses make "commercially reasonable	No change has been made in response to these comments. Comments' proposed standard of using "commercially reasonably efforts" to correct inaccurate personal information would not be more effective in carrying out the purpose and intent of the CCPA. In drafting these regulations, the Agency considered consumers' and businesses' interests, consistent with the intent and purpose of	W28-83 W28-84 W28-85 W28-90 W53-21 W78-14	0312 0312 0312 0309 0565-0566 0860-0861

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	efforts" to correct the inaccurate personal information, taking into account the nature of the personal information and the purposes of the processing of the personal information; (2) providing that a business may deny a consumer's request to correct if the business determines that correction is not required; (3) stating that the "'nature of the personal information and the purposes of the processing of the personal information' includes whether the information is or was factual"; (4) clarifying the scope of the request to correct necessarily excludes inferences, probabilistic data, and marketing-related information generally; and/or (5) aligning the standard with other data-protection laws, such as the GDPR (referring to the GDPR, Art. 5(1)(d)). Comment claims that the "totality of the circumstances" standard and its related provisions in § 7023(b) would burden businesses' legal departments.	the CCPA, including providing consumers with control over their personal information, strengthening consumer privacy while giving attention to the impact on business, and providing businesses and consumers with clear guidance about their responsibilities and rights. *See* Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), §§ 3(A)(2) and (3), 3(B)(4), (C)(1) and (2). For the reasons set forth in the ISOR, the Agency determined that § 7023(b)'s totality of the circumstances standard affords businesses flexibility to evaluate the nature of contested information, its use and source, and its impact on the consumer when determining how to appropriately respond to a request to correct. *See* ISOR, pp. 27-28. Regarding comments' recommendations to (1) permit a business to deny a consumer's request to correct if the business determines that correction is not required, and (2) include factuality in "the nature of the personal information and the purposes of the processing," they are inconsistent with the language, structure, and intent of the regulation. Subsection 7023(b) already permits businesses to "deny a consumer's request to correct if the business determines that the contested personal information is more likely than not accurate based on the totality of the circumstances," and § 7023(b)(1) explains that the totality of circumstances already includes looking at "the nature of the information at issue (e.g., whether it is objective, subjective, unstructured, sensitive, etc.). Regarding comments' recommendation to exclude inferences, probabilistic data, and marketing-related information, the comments propose an interpretation of the CCPA that is inconsistent with the language, structure, and intent of the CCPA. The CCPA gives consumers the right to request that a business correct inaccurate personal information that it maintains about the consumer, and the CCPA defines "personal information" to include inferences, as well as any other information that identifies, relates to, describes, is reasonably capable of being associated with, or		

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		could reasonably be linked, directly or indirectly, with a particular consumer or household. *See* Civ. Code §§ 1798.106, 1798.140(v)(1), (v)(1)(K). *See also* California Office of the Attorney General, Opinion No. 20-303 (Mar. 10, 2022)). Regarding the comments' recommendation to align § 7023(b)'s standard with other data-protection laws, such as the GDPR, the Agency seeks to harmonize with other privacy laws, but only to the extent that doing so is consistent with, and furthers, the purposes and intent of the CCPA.		
332.	Delete § 7023(b)(2) and (j) to protect consumers from fraudulent correction requests, and because (1) § 7023(b) makes it easier for fraudsters to gain access to others' personal information because a consumer's assertion of inaccuracy can establish that the information is inaccurate; (2) regulations do not align with common business practices (e.g., businesses may not maintain documentation supporting the accuracy of information on file, and may purposefully maintain inaccurate information and associate it with consumers' accounts to detect fraud patterns); and (3) § 7023(j)'s requirement for businesses to provide specific pieces of personal information back to the requestor to allow them to confirm that the business has corrected the inaccurate information could embolden fraudsters to use correction requests to gain access to a consumer's personal information.	No change has been made in response to this comment. The comment proposes an interpretation of the regulation that is inconsistent with the regulation's language, structure, and intent. Subsection 7023(b) permits a business to deny a consumer's request to correct if it determines that the contested personal information is more likely than not accurate *based on the totality of the circumstances*. Subsection 7023(b)(2) clarifies that if the business is not the source of the contested information and has no documentation in support of its accuracy, the consumer's assertion of inaccuracy *may* be sufficient to establish that the personal information is inaccurate. As explained in the ISOR, this approach minimizes the administrative burden on consumers, consistent with Civil Code § 1798.185(a)(7), and also benefits businesses by instructing them how to proceed in the absence of any documentation of either accuracy or inaccuracy. In contrast, where a business does have documentation confirming the accuracy of contested information, the burden of proving its inaccuracy may rest with the consumer. This issue is further addressed in § 7023(d). ISOR, p. 28. Regarding the comment's claims about common business practices, the comment does not provide sufficient specificity for the Agency to make any modifications to the text. The regulations provide general guidance and are meant to apply to a wide range of factual situations and across different industries. As explained in the ISOR, § 7023(b)'s totality of the circumstances	W44-22	0456-0457

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		standard provides a flexible approach for businesses to determine whether contested personal information is more likely than not accurate. This is consistent with the structure, intent, and purpose of the CCPA; is informed by public comments the Agency received during preliminary rulemaking activities; and will benefit both businesses and consumers by setting forth consistent processes for handling requests to correct, while also affording businesses flexibility to evaluate the nature of the contested information, its use and source, and its impact on the consumer when determining how to appropriately respond to a request to correct. *See* ISOR, pp. 27-28. Regarding comment's claim about § 7023(j), the Agency has modified it to delete "all the" in the first line, and to add language that a business shall not disclose sensitive personal information that it is not allowed to disclose in response to a request to know under § 7024(d) but may provide a way to confirm that the personal information it maintains is the same as what the consumer has provided. As explained in the FSOR, the Agency determined that these modifications balance consumers' interests with the risk of harms that can result from the unauthorized disclosure of this information. FSOR, p. 17. Moreover, the regulation includes protections against fraud, including that a business may deny a request to correct if it cannot verify the identity of the requestor, or has a good-faith, reasonable, and documented belief that a request to correct is fraudulent or abusive. *See* § 7023(a), (h).		
333.	Create a safe harbor for businesses such that they will not be held liable for their determinations of accuracy of personal information under § 7023(b) unless the business "is shown to have acted in bad faith in applying the totality of the	No change has been made in response to this comment. The comment does not provide substantial evidence or justification that a safe harbor is necessary to effectuate the purpose of the CCPA. Whether a business complies with the CCPA and these regulations in handling a consumer's request to correct is a fact-specific question. The regulations provide general guidance regarding how to comply with the CCPA. The regulations are meant to be	W52-55	0548-0549

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	circumstances standard or failed to apply the standard."	applicable to many factual situations and across industries. Moreover, the Agency may exercise prosecutorial discretion if warranted, depending on the particular facts at issue. Prosecutorial discretion permits the Agency to choose which entities to prosecute, whether to prosecute, and when to prosecute. How the Agency decides to exercise its enforcement authority is beyond the scope of the regulations.		
334.	Delete § 7023(b)(2) because it (1) conflicts with § 7023(b)(1)'s totality-of-the-circumstances approach; (2) is inconsistent with the realities of a digital economy in which businesses purchase datasets from third parties to achieve greater overall data accuracy; and (3) may result in unintended negative consequences where consumers' false assertions of inaccuracy are deemed to be truthful.	No change has been made in response to this comment. Comment proposes an interpretation of the regulation that is inconsistent with the regulation's language, structure, and intent. Subsection 7023(b) permits a business to deny a consumer's request to correct if it determines that the contested personal information is more likely than not accurate based on the totality of the circumstances. Subsection 7023(b)(2) does not conflict with § 7023(b)(1). It clarifies that where a business is not the source of the contested information and cannot verify its accuracy, the consumer's assertion of inaccuracy "may" be sufficient to establish that the personal information is inaccurate. As explained in the ISOR, this approach minimizes the administrative burden on consumers, consistent with Civil Code § 1798.185(a)(7), and also benefits businesses by instructing them how to proceed in the absence of any documentation of either accuracy or inaccuracy, apart from the fact of the consumer's request. ISOR, p. 28. In contrast, where a business does have documentation confirming the accuracy of contested information, the burden of proving its inaccuracy may rest with the consumer. *Id*. This issue is further addressed in § 7023(d). Moreover, the regulation includes protections against fraudulent assertions of inaccuracies, including that a business may deny a request to correct if it cannot verify the identity of the requestor, determines that the contested personal information is more likely than not accurate based on the totality of the circumstances, has denied the consumer's request to correct the	W78-13	0859-0860

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		same alleged inaccuracy within the past six months, or has a good-faith, reasonable, and documented belief that a request to correct is fraudulent or abusive. *See* § 7023(a), (b), (g), (h).		
– **§ 7023(c)**				
335.	Section 7023(c) requires that personal information subject to a request to correct remains corrected. This is a cost that should have been addressed in a SRIA.	Accept in part. This subsection has been revised and a new section has been added to clarify that implementing measures to ensure that personal information that is the subject of a request to correct remains corrected factors into whether a business, service provider, or contractor has complied with a consumer's request to correct. Civil Code §§ 1798.106 and 1798.130 establish a business's obligation to process requests to correct inaccurate information. Thus, associated costs are part of the regulatory baseline, and there is no regulatory cost to address in a SRIA.	W9-19 W13-3	0050-0051 0158
336.	Comments recommend various revisions to § 7023(c), including (1) deleting the requirement for businesses to instruct service providers and contractors to make corrections and/or for service providers and contractors to comply with the business's instructions, (2) including an exception if notification involves disproportionate effort; and (3) amending § 7023(c) such that a business must correct personal information only in its own systems. Comment claims that (1) § 7023(c)'s requirements that businesses instruct service providers and contractors to make corrections, and that service providers and contractors comply with those instructions, create significant operational burdens without providing privacy-protective benefits, (2) the Agency	No change has been made in response to these comments. The comments propose an interpretation of the CCPA that is inconsistent with the language, structure, and intent of the CCPA. The CCPA authorizes and directs the Agency to establish rules and procedures to further the purposes of Civil Code § 1798.106, and to establish standards governing how a business responds to a request for correction including exceptions for disproportionate effort, and the steps a business may take to prevent fraud. *See* Civ. Code § 1798.185(a)(7), (a)(8)(A) and (C). The CCPA also requires businesses to contractually require service providers and contractors to provide the same level of privacy protection as is required of businesses by the CCPA and these regulations, and grant themselves the rights to take reasonable and appropriate steps to help ensure that service providers and contractors use the personal information in a manner consistent with the business's obligations. *See* Civ. Code § 1798.100(d)(2), (3). Similarly, by definition, service providers and contractors act "pursuant to a written contract" that complies with the requirements set forth in the CCPA. *See* Civil Code § 1798.140(j)(1), (ag). The requirements in	W10-23 W24-22 W28-86 W28-87 W28-91 W28-95 W30-16 W30-17 W30-18 W30-19 W30-20 W65-7 W69-35	0113, 0118 0234 0312 0312 0310 0311 0336-0337 0336-0337 0336-0337 0337 0337-0338 0718 0771

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	exceeds its authority by requiring a business to notify service providers and contractors of a consumer's request to correct because there is no such requirement in CPRA, (3) the requirements do not consider how certain consumer data-correction requests may not be relevant to service providers or contractors, and (4) regulations would harm anti-fraud efforts. Comments contend the recommended changes would reduce operational burdens on businesses, align with the disproportionate-effort provision for requests to delete, and/or comport with other state privacy laws.	§ 7023(c) are consistent with, and implement these statutory requirements. Moreover, as explained in the ISOR, § 7023(c) is also important because failure to take these steps could result in continued use and/or dissemination of inaccurate information, which would harm consumers and undermine the right to correct. ISOR p. 28. With respect to the comment about disproportionate effort, as explained in the FSOR, the Agency has modified the definition of "disproportionate effort" to apply not only to businesses, but also to service providers, contractors, and third parties; and to provide an illustrative example applying the factors to a request-to-correct scenario. *See* § 7001(i) (proposed); FSOR, pp. 1-2. Thus, the regulations are reasonably clear and address the comments' concern. With respect to the comments about burden, the Agency considered the regulations' impact on businesses, and determined that the regulations will benefit both businesses and consumers by setting forth consistent processes for handling requests to correct, while also affording businesses flexibility. *See* ISOR, p. 27. With respect to the comment about fraud, the regulation includes protections against fraudulent assertions of inaccuracies, including that a business may deny a request to correct if it cannot verify the identity of the requestor, or has a good-faith, reasonable, and documented belief that a request to correct is fraudulent or abusive. *See* § 7023(a), (h). To the extent the comments object to the regulations' deviations from other states' laws or the GDPR, the Agency seeks to harmonize with other privacy laws to the extent that doing so is consistent with, and furthers the intent and purposes of, the CCPA.		
337.	Object to or recommend deleting § 7023(c)'s requirement that businesses implement measures to ensure that the personal information subject to a correction request remains corrected	No change has been made in response to these comments. Subsection 7023(c) has been modified (1) to delete language regarding businesses implementing measures to ensure that the information remains corrected and service providers and contractors ensuring that the information remains corrected; and	W43-9 W65-7	0438 0718

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	because it is infeasible and/or overly burdensome to businesses.	(2) to delete the illustrative examples in § 7023(c)(1) and (2). FSOR, p. 16. Thus, portions of this comment are now moot. Regarding comment's claim that the regulations are overly burdensome, the Agency disagrees and has made efforts to limit the burden of the regulations while implementing the CCPA. As explained in the FSOR, the Agency has added § 7023(k) to clarify that implementing measures to ensure that personal information that is the subject of a request to correct remains corrected factors into whether a business, service provider, or contractor has complied with a consumer's request to correct in accordance with the CCPA and these regulations. These modifications consider how the CCPA applies to a wide range of industries and enables businesses, service providers, and contractors to tailor their compliance efforts to their information practices and systems and is necessary to ensure that the right to correct is meaningful. FSOR, p. 17.		
338.	Amend the examples under § 7023(c) so that Business M must respond to a request to correct only when personal information is restored to an active system and next accessed or used for a sale, disclosure, or commercial purposes.	No change has been made in response to this comment. Subsection 7023(c) has been modified to delete the illustrative examples in subsections (c)(1) and (2). Thus, this comment is now moot.	W35-16	0373
339.	Amend § 7023(c) by adding (1) a requirement that the business instruct all third parties to which it has sold or shared the personal information to make the necessary corrections in their systems; (2) a requirement that third parties comply with the business's instructions to correct the information and take steps to ensure that the personal information remains corrected; and (3) an example reflecting these requirements.	No change has been made in response to these comments. The Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on this issue is necessary in light of already existing requirements that third parties to whom personal information is sold or shared are contractually required to provide the same level of privacy protection and to use the personal information in a manner consistent with the business's obligations under the CCPA. *See* Civ. Code § 1798.100(d)(2), (d)(3); § 7052, and § 7053.	W60-36 W60-37	0637 0638

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
340.	Delete the example in § 7023(c)(1), especially the suggestion that a consumer's correction should not be subsequently overridden by information a business may later receive from a data broker, because (1) many data brokers continuously update consumers' information, and data a consumer may initially "correct" (e.g., licensure status) may be later updated by a data broker to reflect subsequent developments (e.g., licensure expiration); and (2) requiring the business to treat the consumer's initial correction as the final word on the accuracy of that information could have the unintended consequence of preventing a business from incorporating into its database the most current information about the consumer, as provided by reliable third-party sources.	No change has been made in response to this comment. The illustrative examples in subsections (c)(1) and (2) have been deleted. Thus, this comment is now moot.	W78-15	0860-0861
341.	Clarify that § 7023(c) permits a business to retain previously collected personal information and "information it updates as previous data points" for combating fraud, complying with legal obligations, and the purposes provided under Civil Code § 1798.105(d).	No change has been made in response to this comment. The comment proposes an interpretation of the CCPA that is inconsistent with the language, structure, and intent of the CCPA and these regulations. Civil Code § 1798.106 gives consumers the right to request a business to correct inaccurate personal information that it maintains about the consumer. The regulation already includes protections against fraudulent assertions of inaccuracies, including that a business may deny a request to correct if it cannot verify the identity of the requestor, or has a good-faith, reasonable, and documented belief that a request to correct is fraudulent or abusive. *See* § 7023(a), (h). The CCPA also already makes clear that the obligations imposed on businesses by the CCPA do not restrict its ability to comply with federal, state, or	W72-10	0800-0801

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		local laws, or to exercise or defend legal claims. Civ. Code § 1798.145(a)(1) and (5). Finally, the comment's citation to Civil Code § 1798.105(d) is not appropriate because that subdivision pertains to requests to delete, not to requests to correct. The Agency has determined that no further clarification is needed at this time.		
– **§ 7023(d)**				
342.	Recommends that the Agency replace "high impact" with "negative impact" in § 7023(d)(2)(D) for the purposes of clarity for businesses and consistency with the language used in § 7023(e).	Accept in part. The Agency has revised the regulation to replace "high impact" with "negative impact" in § 7023(d)(2)(D) for the purposes of clarity.	W84-10	0920
343.	Comments object to documentation requirements based on the claims that they are burdensome to businesses, not aligned with impacts to consumers, impractical or inappropriate in cases where the burden of production should be placed on the consumer (e.g., insurance claims), and/or not sufficiently detailed for assessing the accuracy of information or impacts on consumers. Comments recommend various changes, including amending § 7023(d) such that (1) businesses are exempted from the requirement to accept, review, and consider any documentation provided by the consumer in connection with their right to correct if the business has reason to believe that the documentation provided is irrelevant, excessive, or fraudulent; and (2) the business is required to document its	No change has been made in response to these comments. The comments' proposed changes are not more effective in carrying out the purpose and intent of the CCPA. Subsection 7023(d) is necessary to operationalize the new statutory right to correct added by the CPRA amendments to the CCPA. As explained in the ISOR, § 7023(d) provides guidance regarding how businesses and consumers are to use documentation to determine the accuracy or inaccuracy of contested information. Subsection 7023(d)(1)'s requirement that businesses accept, review, and consider any documentation provided by the consumer benefits consumers by ensuring that they have a fair opportunity to present evidence that contested information is inaccurate. It was drafted in response to public comments noting that, in other contexts, including in the consumer credit-reporting industry, consumer requests to correct do not consistently receive meaningful consideration. This provision avoids imposing disproportionate burdens on businesses because it is read in conjunction with subsection (h), which provides that a business is not obligated to continue to accept or review documentation once it has determined a request is fraudulent or abusive. *See* ISOR, pp. 28-29. Subsection 7023(d)(2)	W11-23 W52-56 W59-56 W61-9 W61-10	0148 0549-0550 0615 0651 0651

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	reasoning if it does not review documentation submitted by a consumer.	provides guidance to businesses that choose to require documentation of consumers who seek to correct inaccurate personal information. It permits, but does not require, such documentation, thereby reducing the burden on businesses and consumers and providing businesses greater flexibility in crafting their processes for requests to correct. This subsection is also informed by public comments submitted to the Agency during preliminary rulemaking activities regarding the nature and degree of evidence that should be required. *See* ISOR, pp. 29. Regarding the comments' concerns about fraudulent documentation, the regulation already includes protections against fraudulent assertions of inaccuracies, including that a business may deny a request to correct if it cannot verify the identity of the requestor, determines that the contested personal information is more likely than not accurate based on the totality of the circumstances, has denied the consumer's request to correct the same alleged inaccuracy within the past six months, or has a good-faith, reasonable, and documented belief that a request to correct is fraudulent or abusive. *See* § 7023(a), (b), (g), (h).		
344.	Claim that (1) whether more documentation is needed to determine the accuracy of information subject to a request to correct will depend upon the nature of the documentation requested, not the importance to the business or the perceived impact on consumers; and/or (2) information having a high impact on a consumer may require production of more, not less, information to ensure a request to correct is not fraudulent. Recommend deleting § 7023(d)(2)(C) and/or (d)(2)(D).	No change has been made in response to these comments. Subsection 7023(d)(2)(D) has been modified to replace "high" with "negative," and thus, the comment may now be moot. To the extent the comments still apply to the modified regulation, the comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA, which includes giving consumers meaningful control over their personal information and an easily accessible means to correct it. *See* Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), §§ 2(H), 3(A)(1)-(3). Requiring more documentation would increase the burden on the consumer who is already bearing a negative impact from the inaccuracy.	W11-22 W52-56 W59-41 W78-16	0148 0549-0550 0614 0861-0862

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
– **§ 7023(f)**				
345.	Comments recommend deleting § 7023(f)(3) in its entirety and/or object to § 7023(f)(3)'s requirement that a business that has denied a consumer's request to correct must "note both internally and to any person with whom it discloses, shares, or sells the personal information" that the consumer has contested the accuracy of the personal information. Comments claim this requirement (1) goes beyond the statute; (2) is burdensome to businesses; and/or (3) is unnecessary because § 7023(b) already requires business to consider the totality of the circumstances relating to the accuracy of contested personal information. Comments also claim that assuming a denial is lawful, there is no reason a business should have to contact external parties to inform them of a denied request to correct.	Accept in part. Subsection 7023(f)(3) and part of (f)(4) have been deleted, and thus, these comments are now moot.	W11-1 W11-2 W11-25 W11-26 W25-13 W43-11 W74-6 W80-2	0141-0142 0142 0148 0148 0243-0244 0439 0809 0874
346.	Subsection 7023(f)(4) requires businesses to receive 250-word statements regarding health-data inaccuracies. Claims that the Agency still needs to consider the cost even though the law directs the CPPA to adopt regulations that would permit such submissions. Also, the law does not require that the business transmit consumer statements to third parties.	Accept in part. The requirement to transmit the statement to third parties has been deleted, and thus, part of the comments are now moot. Regarding the requirement that businesses receive the statements regarding health-data inaccuracies, for the purposes of its economic analysis the Agency looked to the legal environment that consists of existing California law as well as other relevant privacy obligations to comprise the baseline economic conditions for the proposed regulations. The analysis contemplated whether the proposal created obligations not found in existing law. A SRIA addresses economic impacts caused by the proposed regulation and should not include the baseline costs associated with existing	W9-20 W13-3	0051 0158

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		law or regulations. Civil Code § 1798.185(a)(8)(D) requires businesses to receive a written statement of up to 250 words when a business rejects the consumer's request to correct personal information concerning a consumer's health, and thus, this cost is part of the regulatory baseline. There is no regulatory cost to address in a SRIA.		
347.	Comment claims that § 7023(f)(1) contains a typo because the last word in the provision reads "effect" rather than "effort."	No change has been made in response to this comment. This typo was already corrected prior to the public comment period. Comment appears to be reviewing an older version of the draft regulations. No further response is required.	W90-22	1005
348.	Claim that § 7023(f) overly burdens businesses due to the complexity and resources required and creates requirements not derived from the statute. Recommend deleting the second sentence of § 7023(f), including § 7023(f)(1)'s requirement to explain the basis of the denial and § 7023(f)(2)'s requirement that the business provide a detailed explanation when it claims that complying with the consumer's request to correct would be impossible or would involve disproportionate effort.	No change has been made in response to these comments. The Agency considered the burdens on businesses and consumers when drafting these regulations. As explained in the ISOR, subsection (f) addresses how businesses must respond to requests to correct and makes clear that businesses must in all cases inform a consumer of the outcome of their request. To the extent the business denies the consumer's request, the business must inform the consumer of the basis of the denial. Consumers and businesses alike benefit from transparency and consistency in the process of granting or denying requests. The comments' proposed deletion of this requirement is not more effective in carrying out the purpose and intent of the CCPA, which includes placing consumers on more equal footing when negotiating with businesses in order to protect their rights, allowing consumers to be able to correct their personal information, businesses and consumers being provided with clear guidance about their responsibilities and rights, and holding businesses accountable. *See* Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), §§ 2(H), 3(A)(3), 3(C)(2), (3), and (7). The Agency also does not agree that providing the basis of the denial would be overly burdensome given that the business has already reviewed the consumer's request and made a determination. Regarding § 7023(f)(2)'s requirement to provide a detailed	W28-89 W28-92 W28-96 W43-10 W69-32	0312 0310 0311 0439 0770-0771

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		explanation if the business contends that compliance is impossible or would require disproportionate effort, the ISOR explains that this is necessary to prevent businesses from abusing this exception. The business's explanation would allow the consumer and those enforcing the statute to hold businesses accountable with relatively little cost to the business. Again, the Agency does not agree that this would be burdensome because the business would have already undergone the analysis. Regarding the comments' claim that § 7023(f)'s requirements are not statutorily derived, Civil Code § 1798.185(a)(8) provides the Agency with the authority to establish how often, and under what circumstances, a consumer, may request a correction pursuant to Civil Code § 1798.106.		
349.	Claim that § 7023(f)(1) and (f)(3) conflict with the Gramm-Leach-Bliley Act (GLBA) and Fair Credit Reporting Act (FCRA) exemptions provided under Civil Code § 1798.145(d) and (e). Recommend amending § 7023(f)(1) and (f)(3) to include express exemptions under the CCPA as bases for denying requests to correct.	No change has been made in response to these comments. Subsection 7023(f)(3) has been deleted, and thus, portions of these comments are now moot. Regarding comments' proposed change to § 7023(f)(1), the regulation does not conflict with the CCPA. Comments' proposed inclusion of express exemptions in § 7023 is unnecessary because Civil Code § 1798.145 already provides the statutory exemptions from obligations imposed on businesses under the CCPA.	W97-23 W97-24	1065-1067 1065-1067
350.	Recommends amending § 7023(f)(3) such that requests that are denied based on "inadequacy in the required documentation" are exempted from the requirement to note both internally and to any person with whom it discloses, shares, or sells the personal information that the consumer has contested the accuracy of the information.	No change has been made in response to this comment. Subsection 7023(f)(3) has been deleted, and thus, this comment is now moot.	W41-15	0423
351.	Object to § 7023(f)(4)'s requirement that, when a business denies a consumer's request to correct personal information	No change has been made in response to these comments. Part of § 7023(f)(4), now § 7023(f)(3), has been deleted. Thus, portions of these comments are now moot. Regarding the comments' general	W20-30 W20-31 W20-32	0211 0211 0211

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	collected and analyzed about a consumer's health, the business must inform the consumer that they may provide a 250-word written statement to be included in their record. Claim that the requirement is burdensome for businesses and would potentially intrude upon Americans-with-Disabilities-Act issues related to accommodation requests and adverse-action appeal processes.	objection to § 7023(f)(4), this subsection is necessary to operationalize Civil Code § 1798.185(a)(8)(D), which requires businesses, when they deny a request to correct personal information concerning a consumer's health, to inform the consumer of their right to submit a written addendum as described in Civil Code § 1798.185(a)(8)(D).		
352.	Amend § 7023(f)(4) for greater clarity and consumer transparency by requiring that the business state that 250-word written statements alleging inaccuracies in the consumer's health data "will be made available to any person with whom it discloses, shares, or sells the personal information collected and analyzed concerning the consumer's health that is the subject of the request."	No change has been made in response to this comment. Part of § 7023(f)(4), now § 7023(f)(3), has been deleted, and thus, this comment is moot. To the extent it is not, further analysis is required to determine whether a regulation on this issue is necessary.	W84-11	0920-0921
353.	Modify § 7023(f) to (1) provide businesses with immunity against liability for disclosing the explanations under § 7023(f); (2) "add a qualifier that businesses are required to append information to a record only when their database software is designed to accommodate that function"; and (3) add, "No explanations are required where disclosures would expose trade secrets, put the business at a competitive disadvantage, or increase the business' risk of exposure to	No change has been made in response to these comments. To the extent the comments address § 7023(f)(3), that subsection has been deleted, and thus, these comments are now moot. To the extent the comments address other subsections, the comments propose an interpretation of the CCPA that is inconsistent with the language, structure, and intent of the CCPA. The CCPA authorizes and directs the Agency to establish rules and procedures to further the purposes of Civil Code § 1798.106, to facilitate consumers' ability to correct inaccurate personal information with the goal of minimizing the administrative burden on them, and to establish standards governing how a business responds to a request for correction and a consumer's right to provide a written addendum	W59-42 W59-43 W59-44 W59-53 W59-54 W59-55	0614 0614 0614 0614-0615 0615 0615

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	consumers' attempts to undermine its policies or offerings."	under certain circumstances. *See* Civ. Code § 1798.185(a)(7), (a)(8)(A) and (D). Moreover, the purpose and intent of the CCPA includes providing consumers with control over their personal information, strengthening consumer privacy while giving attention to the impact on business, and providing businesses and consumers with clear guidance about their responsibilities and rights. *See* Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), §§ 3(A)(2) and (3), 3(B)(4), (C)(1) and (2). In drafting these regulations, the Agency considered the regulations' impacts upon businesses. Comments' proposal to immunize businesses against liability for whatever they disclose in their explanations to consumers would exceed the scope of the Agency's rulemaking authority. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope. Moreover, as explained in the ISOR, the Agency determined that consumers and businesses alike benefit from transparency and consistency in the process of granting or denying requests. ISOR, pp. 29-30. The Agency further determined that requiring the explanations is necessary to prevent businesses from abusing the exception for impossibility or disproportionate effort and would allow the consumer and enforcers to hold businesses accountable. *Id.* Comments' proposal to "add a qualifier"/exempt certain entities from the requirement in § 7023(f)(4), now § 7023(f)(3), would be inconsistent with the purpose and intent of the CCPA. Comments' proposal would give consumers less control over their personal information. It would also be inconsistent with the CCPA's direction in Civil Code § 1798.185(a)(8)(D). As explained in the ISOR, § 7023(f)(3) is necessary to operationalize that section of the statute and is intended to prevent the proliferation of potentially inaccurate health information. ISOR, p. 30. With respect to the comment about trade secrets and competitive disadvantages, the comment does not demonstrate that explaining to consumers why a business has denied a consumer's request to		

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		correct is a trade secret pursuant to Civil Code § 3426.1, which requires, among other things, a showing that the information asserted to be a "trade secret" "[d]erives independent economic value . . . from not being generally known to the public" and "[i]s the subject of efforts that are reasonable under the circumstances to maintain its secrecy . . . ." The comments do not make either showing. The comments also provide no evidence that disclosure of explanations or decision would result in competitive harm. Thus, any potential competitive harm is speculative, and in any case, the potential for harm is further mitigated because all similarly situated competitors in California will be bound by the same responding requirements. In addition, the CCPA states that the obligations it imposes upon businesses shall not restrict a business's ability to exercise or defend legal claims. Civ. Code § 1798.145(a)(5). With respect to the comment about, and the risk of, consumers gaming businesses' systems, the regulation already includes protections. These include that a business may deny a request to correct if it cannot verify the identity of the requestor, determines that the contested personal information is more likely than not accurate based on the totality of the circumstances, has denied the consumer's request to correct the same alleged inaccuracy within the past six months, or has a good-faith, reasonable, and documented belief that a request to correct is fraudulent or abusive. *See* § 7023(a), (b), (g), (h).		
– **§ 7023(g)**				
354.	Delete from § 7023(g) "within the past six months of receiving the request" so that a business may deny a consumer's request to correct if the business has denied the consumer's request to correct the same alleged inaccuracy, because § 7023(g) appears to authorize consumers to reargue	No change has been made in response to this comment. In drafting these regulations, the Agency considered consumers' and businesses' interests, consistent with the intent and purpose of the CCPA, including providing consumers with control over their personal information, strengthening consumer privacy while giving attention to the impact on business, and providing businesses and consumers with clear guidance about their responsibilities and	W59-46 W59-57	0614 0615

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	the exact same issue twice a year in perpetuity, with all the associated costs and without serving anyone's interests.	rights. *See* Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), §§ 3(A)(2) and (3), 3(B)(4), (C)(1) and (2). As explained in the ISOR, § 7023(g) pertains to repeat requests to correct and aims to minimize the burden on businesses by allowing them to reject any subsequent request to correct, if within the preceding six months the consumer already made a request to correct the same piece of information and if that prior request was denied. ISOR, p. 31. The timing also aligns with the number of requests to know allowed by the statute. *See* Civ. Code § 1798.130(b).		
– **§ 7023(h)**				
355.	Supports § 7023(h)'s allowing businesses to deny fraudulent or abusive requests with a good-faith, reasonable, and documented belief that a request to correct is fraudulent or abusive. Supports the requirement that a business inform the requestor that it will not comply with a request and provide an explanation why it believes the request is fraudulent or abusive.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W20-33 W77-1	0212 0839
356.	Delete or revise § 7023(h) so that a business that determines a request to correct is fraudulent or abusive is not required to inform the requestor that it will not comply or to provide an explanation of why it believes the request was fraudulent or abusive. Comment claims that a requirement to explain a denial based on fraud poses security risks by potentially revealing fraud detection mechanisms and anti-fraud protocols to bad actors.	No change has been made in response to this comment. The CCPA directs the Agency to establish rules and procedures to further the purposes of Civil Code § 1798.106, to facilitate consumers' ability to correct inaccurate personal information with the goal of minimizing the administrative burden on them, and to establish standards governing how a business responds to a request for correction, how concerns regarding the accuracy of the information may be resolved, and the steps a business may take to prevent fraud. *See* Civ. Code § 1798.185(a)(7), (a)(8)(A)-(C). In drafting these regulations, the Agency considered consumers' and businesses' interests, consistent with the intent and purpose of the CCPA, including providing consumers with control over their personal information, strengthening consumer privacy while giving attention	W24-2 W43-12 W69-36	0229 0439 0771

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		to the impact on business, and providing businesses and consumers with clear guidance about their responsibilities and rights. *See* Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), §§ 3(A)(2) and (3), 3(B)(4), (C)(1) and (2). As explained in the ISOR, § 7023(h) responds to public comments about potential misuse of the correction process submitted to the Agency during preliminary rulemaking activities, and imposes a minimal burden on businesses while ensuring that legitimate requests are not denied as potentially fraudulent or abusive without the consumer having the opportunity to learn of the reason for denial. ISOR, p. 31. The subsection is necessary to provide consumers transparency into the business's practices. Further, the regulation does not require businesses to include sensitive business information in their explanation of the basis for the denial. The business has discretion in determining what to include in its detailed explanation. The comment does not explain, and the Agency does not agree, that providing an explanation would harm security, especially given that the business has discretion in crafting the explanation.		
– **§ 7023(i)**				
357.	Subsection 7023(i) requires businesses to provide the name of the source of inaccurate information. This is a cost that should have been addressed in a SRIA.	Accept in part. This subsection has been revised to make this requirement optional, this comment is now moot.	W9-21 W13-3 W63-32	0051-0052 0158 0699
358.	Recommends making § 7023(i)'s requirement optional rather than mandatory, such that where the business is not the source of the information that the consumer contends is inaccurate, the business may provide the consumer with the name of the source from which the business received the alleged inaccurate information.	Accept in part. Subsection 7023(i) has been modified to make this requirement optional.	W28-93 W28-97 W41-14 W69-37	0310 0311 0422-0423 0771

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
359.	Comment is concerned that requiring a business to disclose the source of the inaccurate personal information in response to a request to correct could be used to uncover trade secrets and proprietary business processes or other sensitive information where the source of the information may need to remain anonymous, such as an individual reporting harassment in the workplace.	No change has been made in response to this comment. Subsection 7023(i) has been modified to make it optional for a business to disclose to the consumer the source of the inaccurate information, and thus, this comment is now moot. Nevertheless, the comment does not explain how disclosure to the consumer of the source of inaccurate personal information could conflict with or negatively affect the business's rights under federal or state copyright, patent or trademark law. Pursuant to Civil Code § 3426.1, a "trade secret" "[d]erives independent economic value ... from not being generally known to the public" and "[i]s the subject of efforts that are reasonable under the circumstances to maintain its secrecy..." The comment does not demonstrate how disclosing the source of inaccurate information to the consumer would result in competitive harm. Thus, any potential competitive harm is speculative, and in any case, the potential for harm is further mitigated because all similarly situated competitors in California will be bound by the same disclosure requirements. With regard to the rights or freedoms of others, Civil Code § 1798.145(k) already provides that the rights afforded to consumers and the obligations imposed on the business by the CCPA shall not adversely affect the rights and freedoms of other natural persons.	W74-8	0809-0810
360.	Comments recommend deleting § 7023(i) in its entirety and/or object to § 7023(i)'s requirement that businesses provide consumers with the name of the source of inaccurate information because (1) the requirement creates enormous compliance costs for businesses; (2) establishing reliable methods for mapping sources and informing consumers may not be technically or operationally possible; (3) the requirement raises commercial	No change has been made in response to this comment. Subsection 7023(i) has been modified to make this requirement optional, and thus, these comments are now moot.	W24-23 W29-8 W33-14 W33-15 W33-16 W42-6 W42-7 W42-8 W43-9 W63-34 W74-7	0234 0324 0360 0360 0360 0432, 0433 0433 0433 0438 0700-0701 0809

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	confidentiality and security issues; (4) it is not necessary to effectuate the right to correct; and/or (5) it is inconsistent with other statutory requirements, such as the requirement that business provide to consumers categories of sources, but not specific sources, pursuant to the right to know.		W80-3 W80-4	0874 0874
361.	Comments propose various revisions to § 7023(i), including (1) to require a business provide the consumer with only the categories of sources from which the business received the alleged inaccurate information, (2) to provide the name of the source of the allegedly inaccurate information only if doing so would not be impossible or involve disproportionate effort, (3) to exempt businesses from having to provide the name of the source if doing so would expose trade secrets or other intellectual property, put the business at a competitive disadvantage, increase the business's exposure to attempts to undermine its policies or offerings, adversely affect the rights or freedoms of others, or if the business could ensure the inaccurate information remains corrected. Comments base these recommendations on practicality concerns and the claim that current regulations would require costly reconfiguration of databases to track sources of data.	No change has been made in response to this comment. Subsection 7023(i) has been modified to make this requirement optional, and thus, these comments are now moot.	W42-9 W59-45 W63-34 W66-15 W74-9	0434 0614 0700-0701 0729 0810

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
– **§ 7023(j)**				
362.	Comments object to § 7023(j)'s requirement that a business disclose all the specific pieces of personal information that the business maintains and has collected about the consumer to allow the consumer to confirm that the business has corrected the inaccurate information that was the subject of the consumer's request to correct because it (1) is overbroad and would require a business to provide all of the consumer's personal information to show what was corrected; (2) is repetitive of the right to know and creates an access loophole that undermines existing security protections established by the right to know, which raises security and operational concerns for businesses; (3) is not supported by the statute; and/or (4) is unnecessarily burdensome for consumers and businesses, including testing organizations.	Accept in part. Subsection 7023(j) has been modified to delete "all the" in the first line, and to add language that a business shall not disclose sensitive personal information that it is not allowed to disclose in response to a request to know under § 7024(d) but may provide a way to confirm that the personal information it maintains is the same as what the consumer has provided. Thus, the comments about overbreadth, unnecessary burdens associated with providing all specific pieces of personal information, the creation of a loophole undermining protections that exist with respect to § 7024(d) are now moot. As explained in the FSOR, the Agency determined that these modifications balance consumers' interests with the risk of harms that can result from the unauthorized disclosure of this information. FSOR, p. 17. Revised § 7023(j) is supported by the CCPA. The CCPA authorizes and directs the Agency to establish rules and procedures to further the purposes of Civil Code § 1798.106, and to establish standards governing how a business responds to a request for correction and how concerns regarding the accuracy of the information may be resolved. *See* Civ. Code § 1798.185(a)(7), (a)(8)(A) and (B). Providing consumers with the means to verify independently that the contested information was in fact corrected is pursuant to, and consistent with, these statutory directions. *See* ISOR, p. 31. It is not overly burdensome because the businesses should already have these systems in place for requests to know.	W20-34 W33-17 W33-18 W63-35 W63-36 W63-37	0212 0360-0361 0361 0701 0701-0702 0702
363.	Amend § 7023(j)'s requirement that the business disclose the specific pieces of personal information that the business maintains and has collected about the consumer, such that the business must display only the information required to be corrected, rather than all specific pieces of	Accept in part. Subsection 7023(j) has been modified to deleting "all the" in the first line. As explained in the FSOR, this change clarifies that a business does not have to disclose all specific pieces of personal information that the business maintains and has collected about the consumer, but rather the personal information that would confirm that the business has corrected the inaccurate	W24-24 W41-16 W63-38	0234 0423 0702

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	personal information, to confirm that the business has corrected the inaccurate information that was the subject of the consumer's request to correct. Claims that the regulation is overbroad.	information that was the subject of the consumer's request to know. FSOR, p. 17.		
364.	Subsection 7023(j) requires businesses to disclose information to allow consumers to confirm correction and that it should not count toward the request to know limit of 2x per year. This is a cost that should have been addressed in a SRIA.	No change has been made in response to this comment. For the purposes of its economic analysis the Agency looked to the legal environment that consists of existing California law as well as other relevant privacy obligations to comprise the baseline economic conditions for the proposed regulations. This subsection requires the use of an already established system in place for the consumer's right to know, and thus, this cost is part of the regulatory baseline. There is no regulatory cost to address in a SRIA.	W9-22 W13-3 W63-32	0052 0158 0699
365.	Delete or amend § 7023(j) such that the business's disclosure of specific pieces of personal information that the business maintains and has collected about the consumer, made in response to a request to correct, is considered a response that is counted towards the limitation of two requests within a 12-month period provided under Civil Code § 1798.130(b), because it (1) creates duplicative operational burdens for businesses due to existing access requests provided for under § 7024 and (2) contradicts the CCPA by providing consumers with excessive opportunities to make requests to businesses.	No change has been made in response to this comment. The comment proposes an interpretation of the CCPA that is inconsistent with the language, structure, and intent of the CCPA. The limitation in Civil Code § 1798.130(b) pertains to requests to know, while Civil Code § 1798.106 and § 7023 pertain to requests to correct. Moreover, the provision in § 7023(j) is not duplicative, because the right to correct is separate and distinct from the right to know. In addition, the CCPA directs the Agency to establish rules and procedures to further the purposes of Civil Code § 1798.106, to facilitate consumers' ability to correct inaccurate personal information with the goal of minimizing the administrative burden on them, and to establish standards governing how a business responds to a request for correction. *See* Civ. Code § 1798.185(a)(7), (a)(8)(A). Providing consumers with the means to verify independently that the contested information was in fact corrected is pursuant to, and consistent with, the CCPA's statutory directions. *See* ISOR, p. 31. Subsection 7023(j)'s clarification that a consumer's request following the disposition of a request to correct does not count as one of the two requests to know with which	W28-88 W28-94 W52-57 W69-38	0311-0312 0310 0550 0771

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		businesses are obligated to respond within a 12-month period under Civil Code § 1798.130(b) is in response to public comments submitted to the Agency during preliminary rulemaking activities observing that the twice-yearly limit on businesses' obligations to respond to requests to know could have unintended consequences on consumers' ability to exercise the right to correct. ISOR, p. 31.		
366.	Recommends the Agency establish a safe harbor for self-service options for correction with respect to data that was provided directly to the business by the consumer because this will best facilitate the consumer's right to correct, while balancing operational burdens and security considerations.	No change has been made in response to this comment. The comment does not provide substantial evidence or justification that establishing a safe harbor for self-service options for correction is necessary to effectuate the purpose of the CCPA. Moreover, the regulations do not prohibit businesses from establishing self-service options for correction to facilitate consumers' right to correct.	W63-39	0702
§ 7024. Requests to Know				
– **Comments generally about § 7024**				
367.	Many responses to right to know requests are incomprehensible alphanumeric codes with no explanation or decoding key. Section 7024 should be modified to require businesses to provide values for data points to give consumers meaningful understanding.	No change has been made in response to this comment. The Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on this issue is necessary.	W19-1 W19-3 O6-2	0197-0198 0197-0198 D1 21:20-22:5
368.	The proposed regulations impose a look-back period back to January 1, 2022, and also extend the scope of requests to personal information in the hands of the business's service providers and contractors. This will make honoring requests more burdensome for businesses. The regulations should not broaden the	No change has been made in response to this comment. The comment objects to the CCPA, not the proposed regulation. Civil Code § 1798.130(a)(2)(B) and (C) require businesses to provide personal information beyond the 12-month period and service providers and contractors to assist in the response to a consumer's request to know. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W45-15 W45-16	0470 0470

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	personal information that is subject to consumer requests.			
369.	Proposed regulations should reinstate previous draft language clarifying that businesses should not provide consumers with specific pieces of personal information if the disclosure creates a substantial, articulable, and unreasonable risk to the customer's or business's security. If such information were compromised, malicious actors could use it to facilitate future fraudulent activity. This is a particular problem for banks, who are frequent targets for fraud and other malicious activities due to the nature of their business. Comment also proposes an exception if a request is intended to circumvent rules of discovery relating to an ongoing litigation.	No change has been made in response to this comment. The comment is not related to any proposed regulation of the rulemaking procedures followed. Moreover, the law and regulations already incorporate protections for consumers and businesses, including verification requirements, requirements to implement reasonable security, and the prohibition of disclosing highly sensitive identifiers (e.g., government-issued identification number, financial account number, account password, security questions and answers) in response to requests to know (*see, e.g.,* Civ. Code § 1798.100(e); § 7024(a), (d), (f) (proposed)). Moreover, as explained in the Attorney General's FSOR, previous draft language was deleted in response to comments expressing concerns about the risk for abuse by businesses taking a broad view of their need for secrecy. *See* Department of Justice, Attorney General's Office, *Final Statement of Reasons*, at p. 25 (June 1, 2020). To the extent the comment suggests that complying with requests to know would restrict a business's ability to comply with laws or to exercise or defend legal claims, the CCPA includes explicit exemptions to preserve those abilities. *See* Civ. Code § 1798.145(a)(1), (5)**.**	W52-26 W52-27 W52-51	0533-0534 0533-0534 0546
370.	Comment recommends that the Agency should evaluate and clarify what data needs to be provided in response to "Request to Know."	No change has been made in response to this comment. The regulation is reasonably clear and incorporates the five types of information a consumer can request as detailed in Civil Code § 1798.110(a). The Agency does not believe any clarification is necessary.	W57-9	0593
371.	The processes required for requests to know differ from other consumer requests. Comment urges the CPPA to provide for flexibility, consistency where possible, and uniformity with other state laws in terms of	No change has been made in response to this comment. The comment does not provide sufficient specificity for the Agency to make any modifications to the text. The regulations are consistent with the language, structure, and intent of the CCPA. Specifically, they conform to the requirements in Civil Code §§ 1798.110 and	W72-13	0801-0802

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	evaluation processes, consumer responses, denial explanations, and third-party notifications.	1798.115. While the Agency seeks to harmonize with other privacy laws, it does so to the extent that it is consistent with, and furthers the intent and purposes of, the CCPA.		
372.	Comment states that large companies are failing to disclose shadow profiles. Users should be able to exercise their right to know with a company even if they are not a registered user. Allowing shadow profiles without a right to know is unfair to companies that do comply with the law.	No change has been made in response to this comment. The regulations are reasonably clear. Section 7024 requires that the business verify requestors for requests to know. Section 7062 provides verification requirements for non-accountholders, which businesses must follow when a consumer makes a request to know and is not an accountholder with the business. Consistent with these requirements, a business cannot deny a request to know on the basis that a consumer is not a registered user. Further analysis is required to determine whether a regulation on this issue is necessary.	O6-3	D1 22:6-22:15
373.	Comment supports directing the consumer to the business's privacy policy when the consumer's identity cannot be verified. Organizations are already required to include detailed descriptions of categories of information collected, the purpose, etc. in its Privacy Policy, so a consumer can easily understand its privacy practices.	No change has been made because the comment is not related to any modification to the text for the 45-day comment period. Moreover, the comment concurs with the existing regulations.	W20-35	0212
– **§ 7024(a)**				
374.	Supports language that clarifies that a business should verify the consumer that is making a request to know.	No change has been made because the comment is not related to any modification to the text for the 45-day comment period. Moreover, the comment concurs with the existing regulations.	W41-11	0422
– **§ 7024(d)**				
375.	Comment objects to § 7024(d)'s prohibition of disclosure of certain information in response to consumer requests to know.	No change has been made in response to this comment. The comment is not related to any proposed regulation or the rulemaking procedures followed. Moreover, as explained in the Attorney General's ISOR, § 7024(d), formerly § 999.313(c)(4), balances the consumer's right to know with the harm that can result from the inappropriate disclosure of information, and	W90-23	1007

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		reduces the risk that a business will violate another privacy law, such as Civil Code § 1798.82, in the course of attempting to comply with the CCPA. Department of Justice, Attorney General's Office, *Initial Statement of Reasons*, at p. 18 (Oct. 11, 2019). Further analysis is required to determine whether changes to this regulation is necessary. The Agency may revisit this issue in the future.		
– **§ 7024(e)**				
376.	Comment recommends explicit guidance and details for how a business is permitted to deny some or all of a consumer's request to know when its federal IP rights conflict with the consumer's right to access. Comment recommends allowing a business to provide publicly available information to justify its denial of a consumer's request to know in the context of denial based upon the asserted conflict with business's federal IP rights.	No change has been made in response to this comment. The comment is not related to any proposed regulation or the rulemaking procedures followed. Moreover, the regulation is reasonably clear. Subsection 7024(e) requires a business that denies a consumer's verified request to know specific pieces of personal information because of a conflict with federal or state law, or an exception to the CCPA, to inform the requestor and explain the basis for the denial. To the extent that the commenter seeks additional clarity, it likely requires a fact-specific determination. The comment appears to raise specific legal questions that would require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W20-19	0209
– **§ 7024(h)**				
377.	Businesses should not be required to provide personal information beyond the 12-month period before the request, or at the least, the consumer should be required to designate the specific period for which information is sought. Comments reason that this requirement: (1) is inappropriate for a business to have to provide all information sought for unlimited time ranges; (2) it conflicts with the CPRA,	Accept in part. Subsection 7024(h) has been modified to specify that the consumer can request that the business disclose their personal information for a specific time period. The comment's objection to requiring a business to provide personal information beyond the 12-month period preceding the request, without the consumer having designated the specific period, is thus moot. The modified regulation is consistent with the CCPA, which requires a business to respond to a request to know with specific pieces of personal information that the business has collected about the consumer for the 12-month period preceding the business's receipt	W11-1 W11-2 W11-27 W11-28 W11-29 W20-36 W20-38 W28-98 W28-99 W28-100	0141-0142 0142 0148-0149 0148-0149 0148-0149 0212 0212 0313 0313 0313-0314

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	including Civil Code § 1798.130(a)(2)(B) which says that the consumer "may" request beyond the 12-month time period; (3) is unduly burdensome on businesses; (4) conflicts with data minimization principles because it requires a business to collect personal information, including that which was collected by service providers and contractors in order to respond to requests to know; and (5) it does not account for situations where a consumer only wants data for specific period of time. Some comments also note that the regulation should note that the obligation to provide information does not apply to any personal information collected before January 1, 2022.	of the request and—pursuant to a regulation—a consumer may request that the business disclose the required information beyond the 12-month period, and the business shall be required to provide that information unless doing so proves impossible or would involve a disproportionate effort. Civ. Code § 1798.130(a)(2)(B). The regulation is not unduly burdensome, because it does not require businesses to provide the information if doing so would involve disproportionate effort. The regulation does not conflict with data minimization principles, because the business is not permitted to collect or retain a consumer's personal information in the first instance unless doing so is necessary and proportionate. *See* Civ. Code § 1798.100(c). This subsection pertains to personal information the business already would have collected and would be retaining in compliance with those restrictions. The CCPA does not require businesses to retain personal information just to comply with consumer requests. *See* Civ. Code § 1798.145(j).	W28-101 W29-9 W33-19 W33-20 W44-28 W44-29 W52-69 W72-12 W80-5 W89-26	0313 0324-0325 0361-0362 0362 0459-0460 0460 0555-0556 0801 0875 0961
378.	Businesses should not be required to provide a detailed explanation if the business cannot provide personal information beyond the 12-month lookback period. It is burdensome on businesses.	No change has been made in response to this comment. The Agency has made efforts to limit the burden of the regulations while implementing the CCPA. As explained in the ISOR, requiring an explanation is necessary to prevent businesses from abusing this exception by simply stating it is impossible or involves disproportionate effort. An explanation would allow the consumer and those enforcing the statute to hold businesses accountable with relatively little cost to the business. ISOR, p. 32.	W11-27 W20-37 W52-69 W57-18 W69-32 W89-26	0148-0149 0212 0555-0556 0597 0770-0771 0961
379.	Comment requests the Agency to deem disclosure of operational data generated and collected from vehicles beyond the 12 month period to involve "disproportionate effort" due to the technical nature of data collected by computer sensors.	No change has been made in response to this comment. Compliance with the CCPA and the regulations is a fact-specific determination. The comment does not provide substantial evidence or justification that the proposed safe harbor is necessary to effectuate the purpose of the CCPA. Whether the disclosure of operational data generated and collected from vehicles beyond the 12-month period would involve "disproportionate effort" is a fact-	W41-12	0422

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		specific question. The regulations define "disproportionate effort" (§ 7001(i)) and provide general guidance regarding how to comply with the CCPA. The regulations are meant to be applicable to many factual situations and across industries.		
380.	Comment recommends a "common-sense exception" to request to know obligations, including where business (1) migrated data to new storage facilities or service providers prior to 12-month lookback period, (2) does not otherwise maintain access to data, or (3) cannot make the requested data available without creating significant cybersecurity risk.	No change has been made in response to this comment. The CCPA provides an exception to meeting certain obligations in response to a request to know when doing so involves "disproportionate effort," and the CCPA directs the Agency to adopt regulations establishing the standard to govern a business's determination of when providing information beyond the 12-month period would be impossible or involve disproportionate effort (*see* Civ. Code §§ 1798.130(a)(2)(B)), 1798.185(a)(9)). The regulations accordingly define "disproportionate effort" (§ 7001(i)), providing businesses with guidance regarding how to comply with the CCPA. The definition provides factors to consider and examples of situations in which these factors are applied. Businesses have flexibility and discretion in how to apply the guidance provided in a manner that best fits their business and customers. Whether a particular disclosure of personal information would involve "disproportionate effort" is a fact-specific question.	W53-22	0566
381.	Comments object to the requirement to provide information that has been collected by a third party or service provider on the business's behalf. Comments claim that this requirement is burdensome, impractical, expands the scope of the law, and goes beyond what an average consumer reasonably expects to receive when summitting a request to know. Comments recommend deletion or revisions that include: (1) only requiring provision if that information was shared	No change has been made in response to this comment. The Agency has modified § 7024(h) to use the term "Collected pursuant to their written contract," to be more precise about how the obligation applies to the personal information that the service provider or contractor collected pursuant to the written contract with the business. The modified regulation is consistent with the CCPA, which states that the specific pieces of personal information shall include personal information that the business's service providers and contractors obtained as a result of providing services to the business, and requires service providers and contractors to assist the business with respect to its response to a verifiable consumer request, including by providing to the business the	W11-29 W11-30 W24-25 W65-9 W65-10 W65-11 W89-26	0148-0149 0148-0149 0234 0718 0718 0718 0961

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	with the business; (2) clarifying whether it includes information that service providers or contractors collect directly from individuals, but never share with a consumer; and (3) clarifying whether the business has to go to each service provider or vendor to ask what information they have about the individual. Some comments claim that this requirement increases breach exposure and constitutes a violation of data minimization principles. One comment notes that this requirement is especially difficult in the insurance industry because parties may have independent regulatory obligations as a result of overlapping relationships with consumers over time (e.g., as an insurance applicant, as an insured, as a claimant).	consumer's personal information in the service provider's or contractor's possession. *See* Civ. Code § 1798.130(a)(3)(A). The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope. To the extent the comment seeks additional clarity, it likely requires a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. Regarding the comment's claim about breach-exposure, the law and regulations incorporate protections for consumers and businesses, including verification requirements, requirements to implement reasonable security, and the prohibition of disclosing highly sensitive identifiers in response to requests to know (*see, e.g.*, Civ. Code § 1798.100(e); § 7024(a), (d), (f) (proposed)). Regarding the comment's claim about data minimization, the regulation does not conflict with data minimization principles, because the business—including through its service providers or contractors—is not permitted to collect or retain a consumer's personal information in the first instance unless doing so is necessary and proportionate. *See* Civ. Code § 1798.100(c), (d)(2). This includes personal information collected through or by a service provider or contractor. This subsection pertains to personal information the business already would have collected, directly or indirectly, and would be retaining in compliance with those restrictions. The CCPA does not require businesses to collect or retain personal information just to comply with consumer requests. *See* Civ. Code § 1798.145(j).		
– **§ 7024(i)**				
382.	Subsection 7024(i) does not fully account for the fact that the CCPA allows service providers to fulfill their obligation to assist businesses in responding to consumer requests to know by enabling the business to access the personal information	Accept in part. The Agency has modified § 7024(i) to clarify that the service provider and contractor may utilize self-service methods that enable the business to access the personal information that the service provider or contractor has collected pursuant to the written contract that it has with the business.	W17-2 W17-6	0176-0179 0179

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	maintained by the service provider or contractor in order to respond to the request. The regulation should be revised to reflect this.			
383.	Comment claims that § 7024(i) is overly prescriptive and proposes that the last clause of the sentence be stricken so that the regulation just states that the service provider or contractor must provide assistance to the business.	No change has been made in response to this comment. The comment's proposed change is inconsistent with the CCPA. The CCPA requires service providers and contractors to assist the business with respect to its response to a verifiable consumer request, *including by providing to the business the consumer's personal information in the service provider's or contractor's possession*. *See* Civ. Code § 1798.130(a)(3)(A) (emphasis added). The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W35-17	0374
– **§ 7024(k)**				
384.	Comment recommends expanding the scope of data that consumers can access from businesses to include more user-generated data (not just input data). There are moral and utilitarian reasons why consumers should be able to access the data they generate while utilizing various online services and hardware devices. Subsection 7024(k) should be revised to refer not only to "categories" of personal information.	No change has been made in response to this comment. The comment's proposed modification to expand § 7024(k)'s application beyond "categories" of personal information misinterprets the regulation. This subsection pertains to requests for categories of personal information. While the regulation's definition of "Request to know" includes requests for the specific pieces of personal information that a business has collected about the consumer, as well as the categories of personal information a business has collected about the consumer, among other things (*see* § 7001(z) (proposed)), it is § 7024(h) that pertains to requests to know that seek the disclosure of specific pieces of information that a business has collected about a consumer.	W85-4	0930-0931
§ 7025. Opt-Out Preference Signals				
– **Comments generally about § 7025**				
385.	Comments supports the opt-out preference signals provided in § 7025. Another comment specifically noted support for the flexibility, totality of circumstances	The Agency appreciates these comments in support. No change has been made in response to this comment. As explained in the FSOR, Agency has modified the regulation. FSOR, pp. 18-21.	W64-1 W64-2 O30-4	0708 0708 D2 35:10-35:15

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	standard, and the concept of the Alternative Opt-out Link. Comment requests that the regulation not be weakened prior to finalization.			
386.	Comments support opt-out preference signals being mandatory and recommend that opt-out preference signals remain mandatory.	The Agency appreciates these comments of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W16-3 W90-1 W92-2 O11-1 O18-1 O27-1	0173 0970-0971 1048-1049 D1 37:25-39:13 D1 57:13-57:18 D2 22:19-24:8
387.	Comments express general support for the regulation and urges the Agency to make the regulations "sufficiently technology neutral to allow for and encourage the development of preference signals for non-website contexts."	The Agency appreciates these comments of support. To the extent that the comments concur with the proposed regulations, no further response is required. To the extent the comments urge the Agency to make the regulation technology neutral, the Agency believes that the regulations are technology neutral. They require businesses that sell or share personal information to process opt-out preference signals that are in "a format commonly used and recognized by businesses." § 7025(b)(1). At the same time, the Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. The Agency may consider additional regulations in future rulemakings.	W70-1 W70-2 W70-3	0779-0781 0779-0781 0779-0781
388.	Comment suggests that exempting businesses that derive 50% or more of their annual revenues from selling or sharing personal information, but do not exceed $25 million in annual gross revenue or buy, sell, or share the personal information of over 100,000 consumers, from implementing a solution to respond to opt-out preference signals. Alternatively, the comment suggests that the Agency could	No change has been made in response to this comment. The comment objects to the CCPA, not the proposed regulation. Civil Code § 1798.135(b) and (e) require "businesses" to process opt-out preference signals. The statute defines business to cover entities that the comment would exempt from the law. *See* Civ. Code § 1798.140(b). Moreover, as noted in the ISOR, the "the intent and goal of the opt-out preference signal . . . is to facilitate a specific, comprehensive expression of a consumer exercising their right to stop the sale and sharing of their personal information." ISOR, p. 33. The suggestion and alternative suggestion offered by	W5-3	0023-0024

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	limit the preference signal requirements based on smaller limits than those in the CCPA's "business" definition to protect the smallest businesses from overly onerous regulatory requirements.	the comment are inconsistent with that intent and goal because they limit consumers' ability to exercise their right to stop the sale and sharing of their personal information.		
389.	Comments recommend that businesses should not be required to detect and honor an opt-out preference signal if they sell or share personal information because this goes beyond or contradicts the CCPA. Comments contend that Civil Code § 1798.135(a) allows businesses to choose to either (i) provide links for consumers to opt-out of "selling," "sharing," or certain uses and disclosures of sensitive personal information; or (ii) recognize universal opt-out preference signals. Civil Code § 1798.185(a)(20) directs the Agency to issue regulations for businesses that have "elected" to comply with opt-out preference signals. Comments claim that § 7025 constitutes unauthorized lawmaking that changes the plain meaning of the statute, rather than rulemaking to elucidate the public understanding of unclear statute text, and exceeds the "necessity" standard for rulemaking. The interpretation of optionality for opt-out preference signals is also consistent with negotiations while drafting the CCPA and what the voters decided when voting for the initiative. Removing optionality creates	No change has been made in response to these comments. The comments propose an interpretation of the CCPA that is inconsistent with the language, structure, and intent of the CCPA. Section 7025 recognizes that Civil Code § 1798.135 "does not give the business the choice between posting the above-referenced links or honoring opt-out preference signals." § 7025(e). The CCPA recognizes that opt-out preference signals are a method of invoking a consumer's right to limit the sale or sharing of their personal information. *See* Civ. Code §§ 1798.135(b), (e), 1798.185(a)(19), (a)(20). As explained in the ISOR, an "opt-out preference signal [is] an expression of a consumer's right to stop the sale and sharing of personal information." ISOR, p. 33; *see also id.* at p. 34 ("The selection of privacy-by-design products or services is an affirmative step and sufficient to express the consumer's intent to opt out of the sale and sharing of personal information."). Contrary to the misinterpretation of the law in the comments, the CCPA does not provide businesses with a choice between either posting opt-out links under Civil Code § 1798.135(a) or recognizing opt-out preference signals under § 1798.135(b). Rather, the choice put forward in the statute is between posting opt-out links and frictionless processing of opt-out signals—that is, businesses cannot respond to the signal with a less functioning website or product and cannot inundate the consumer with pop-up notifications, etc. *See* Civ. Code § 1798.135(b)(1) (citing Civ. Code § 1798.185(a)(20) as opposed to (a)(19)). A business may thus (1) post opt-out links and for example, respond to an opt-out preference signal with a popup (subject to other limitations, such	W9-23 W10-1 W11-1 W11-2 W11-31 W14-5 W17-14 W24-27 W25-14 W28-7 W28-8 W29-10 W30-14 W33-1 W35-20 W39-7 W42-1 W42-3 W43-13 W44-10 W44-11 W44-12 W44-13 W44-14 W45-17	0052 0103 0141-0142 0142 0149 0163-0164 0183 0235 0244 0277, 0281-0282 0277, 0282-0283 0325 0334-0336 0352-0354 0374 0408 0428-0429 0430-0431 0439 0452 0452-0453 0453 0453 0453-0454 0471

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	additional burdens and compliance and technological challenges for businesses. In addition, the requirements around frictionless processing may lead to duplicative processes and consumer confusion. Comments suggest various corresponding revisions to the text of the regulations.	as the prohibition on using dark patterns to obtain consent, *see* § 7004(b)); or (2) the business can choose to not post opt-out links under subdivision (a), but it then must process opt-out preference signals in a frictionless manner as set forth in § 7025(e) and (f). Moreover, the comments' request changes to the regulation that would allow businesses to ignore consumers' expression of their right to stop the sale and sharing of personal information. That would be inconsistent with the goals and purposes of the CCPA and outweighs any burden imposed on businesses. Indeed, other comments have recognized that companies are required to adhere to opt-out preference signals. *See* Comments W83-2, W90-1; W92-2. Further, § 7025 is authorized by, and consistent with, the CCPA's grant of rulemaking authority. *See* Civ. Code § 1798.185(a)(19), (20); *id.* § 1798.185(b); *see also id.* §§ 1798.120, 1798.135. As explained in the ISOR, "[t]his regulation is necessary to respond to incorrect interpretations in the marketplace that complying with an opt-out preference is optional for the business." ISOR, p. 33. Finally, the comment's proposed interpretation is not consistent with negotiations that took place while drafting the CPRA, nor the plain language of the ballot initiative. *See, e.g.*, Comment W27-1 ("We wrote it this way . . . . [T]here is no optionality about whether businesses must respond to global privacy controls.").	W45-18 W48-8 W50-4 W50-5 W50-6 W52-16 W52-44 W52-46 W53-17 W53-18 W54-4 W57-10 W63-12 W68-2 W68-3 W69-2 W69-3 W74-10 W74-11 W79-5 W80-6 W80-7 W81-5 W81-6 W89-5 W89-6 W102-7 O10-3 O19-2	0471 0490 0499-0450 0450 0450 0530-0531 0541 0543-0544 0564-0565 0565 0572 0593 0685 0744 0744 0763 0763 0810-0811 0811 0870-0871 0875 0875 0885-0886 0886 0952 0952 1080-1081 D1 34:11-34:19 D1 60:4-60:20
390.	Comments recommend that opt-out preference signal regulations should not exceed current technical capabilities, or	No change has been made in response to these comments. The Agency has made efforts to limit the burden of the regulations while implementing the CCPA. Specifically, the regulation supports	W10-28 W11-17 W11-32	0118 0146 0149

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	should be optional because global opt-out tools are not fully developed, lack consistency, and lack technical guidance. This makes it operationally difficult for businesses to implement (for themselves and for third parties in a notice at collection) and it will take time to build tools to respond to opt-out preference signals. Comments also suggest reconsidering the definition of "frictional" manner to account for the technical limitations of signals, clarifying how a signal qualifies as one that businesses must recognize, or making the signals optional and requiring businesses to indicate in their privacy policies whether the business processes the signals.	and builds on existing technical mechanisms, such as the Global Privacy Control, which businesses are already required to honor as a valid request to opt-out of sale under the current CCPA regulations. *See* 11 CCR § 7026(c); *see also* Final J. & Permanent Inj.*, California v. Sephora USA, Inc.*, No. CGC-22-601380 (Super. Ct. S.F. City & Cty. Aug. 24, 2022), https://oag.ca.gov/system/files/media/pea-sephora-filed-judgment.pdf. It does not require businesses to do more than what the law currently requires.	W14-6 W17-19 W37-12 W39-5 W65-16 W89-9	0164 0183 0390-0391 0407 0719-0720 0953-0954
391.	Comment expresses concern that browser or device companies may seek to promote their own opt-out preference signals to unfairly favor their own business and urges the Agency to monitor how the dominant browser and device companies honor these opt out signals as well as any attempts to develop their own preference signals.	No change has been made in response to this comment, which is an observation rather than a specific objection or recommendation regarding the regulation. The comment does not propose specific amendments to the proposed regulations or provide sufficient specificity to the Agency to make any modifications to the text. Nevertheless, the regulations do not allow for businesses sending the signal to unfairly disadvantage another business. As noted in the ISOR, § 7025(d), which prohibits using personal information collected in connection with an opt-out request for any other purpose, applies to both the business and to the platform, technology, or mechanism that sends the opt-out preference signal, and therefore, this regulation prevents creators of opt-out preference signals from having any unfair advantage over other businesses. ISOR, p. 37. The Agency will continue to monitor the marketplace and may revisit this issue, if necessary.	W40-14	0413

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
392.	Comments recommend adding regulations to "define the requirements and technical specifications for an opt-out preference signal" as required by Civil Code § 1798.185(a)(19)(A). Comments assert that without more details, the regulations for opt-out preference signals do not satisfy their statutory mandate and will create implementation challenges for businesses and confusion or danger for consumers. Several comments recommend striking § 7025 in its entirety until technical specifications have been adopted or otherwise delaying enforcement for 6 months after technical specifications have been adopted, making the signal optional, and/or formally recognizing acceptable technology/ies or process(es).	No change has been made in response to this comment. To the extent that the comments read § 7025 as not providing any of the requirements and technical specifications contemplated by Civil Code § 1798.185(a)(19)(A), the comments' interpretation of the regulation is inconsistent with the regulation's language. For instance, § 7025(b)(1) provides that an opt-out preference signal "shall be in a format commonly recognized by businesses," and provides as examples "an HTTP header field or JavaScript object." The requirement that the signal be in a format commonly used by businesses, accompanied by specific examples, is reasonably clear. The Agency does not believe that this standard will create either implementation challenges or danger or confusion for consumers. As noted in the FSOR, the regulation supports and builds on existing technical mechanisms, such as the Global Privacy Control, which businesses are already required to honor as a valid request to opt-out of sale under the current CCPA regulations. FSOR, p. 18 (citing 11 CCR § 7026(c); *see also* Final J. & Permanent Inj.*, California v. Sephora USA, Inc.*, No. CGC-22-601380 (Super. Ct. S.F. City & Cty. Aug. 24, 2022), https://oag.ca.gov/system/files/media/pea-sephora-filed-judgment.pdf). The Global Privacy Control is already supported by a number of browsers, including Mozilla FireFox, Brave, and DuckDuckGo, as well as a number of browser add-ons. To the extent § 7025 does not cover all the topics listed in Civil Code § 1798.185(a)(19)(A), that result was intended by the Agency and stated in the ISOR, which explains that not all topics were addressed in this rulemaking to (1) reduce the burden on business, (2) prioritize the Agency's limited resources, and (3) allow innovation to occur. ISOR, p. 33. Striking the regulation or delaying its enforcement could impede innovation in the emerging area of privacy engineering, and it would deprive consumers of a useful and efficient way to exercise their CCPA rights which currently	W17-20 W24-26 W24-30 W24-31 W25-15 W29-11 W33-2 W42-4 W44-15 W50-7 W52-17 W52-18 W52-19 W52-45 W57-11 W63-13 W63-14 W69-1 W69-4 W75-16 W75-17 W81-7 W81-8 W81-10 W86-20 W89-7 O10-4 O19-2	0184-0185 0235 0235 0235 0244 0325 0354 0431 0454 0500 0531 0531 0531 0541-0542 0593 0686-0687 0687-0688 0763 0763-0764 0822-0824 0823-0824 0887-0888 0887-0888 0888-0889 0945-0946 0953 D1 34:20-35:1 D1 60:4-60:20

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		exists already. That would not advance the purpose or intent of the CCPA.		
393.	Comment recommends adding a requirement to re-evaluate the requirements and technical specifications after one year, to ensure the Agency may timely review any updates that could further promote interoperability with opt-out mechanisms in other states or could further address practical issues that may arise as the global opt-out mechanism is implemented.	No change has been made in response to this comment. The CCPA authorizes the Agency to update the regulations on opt-out preference signals "from time to time." Civ. Code § 1798.185(a)(19)(A); *see also id.* § 1798.185(b) (authorizing the adoption of "additional regulations as necessary to further the purposes of this title"). The Agency thus has the authority to address legal, practical, and other issues as they arise. A regulation reiterating the Agency's authority is unnecessary.	W17-21	0185
394.	Comments recommend that the Agency should ensure that any opt-out preference signal is (1) free of defaults that presuppose consumer intent, (2) clearly described and easy to use, and (3) does not conflict with other commonly used privacy settings. Otherwise, this fails to meet the statutory requirements for obtaining informed consumer consent. In addition, the Agency should, at a minimum, require that the provider of an opt-out preference signal be required to disclose the limits of any signal, the potential conflicts with other privacy settings, and the specific definition of sale/sharing under the CCPA.	No change has been made in response to these comments. The regulation provides that a "platform, technology, or mechanism that sends the opt-out preference signal shall make clear to the consumer . . . that the use of the signal is meant to have the effect of opting the consumer out of the sale and sharing of their personal information." § 7025(b)(2). The regulation respects consumer's preferences and intent by requiring platforms to clearly explain the effect of the signal, thus allowing consumers to make an informed choice about their personal information and privacy. This requirement also addresses concerns about default settings that presuppose the consumer's intent. The proposal that any signal be clearly described is already part of the regulation. Further, opt-out preference signals are already available to consumers, s*ee* ISOR, p. 33, and the comments offer no evidence that they are difficult to use. Nor do they offer any evidence that opt-out preference signals conflict with commonly used privacy settings. Indeed, the Global Privacy Control is already supported by a number of browsers, including Mozilla FireFox, Brave, and DuckDuckGo, as well as a number of browser add-ons. To the extent the comment is concerned about conflicts with business-specific privacy settings,	W14-7 W28-10 W28-11 W63-14	0164 0277, 0283 0277, 0283 0687-0688

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		§ 7025(c)(3) already addresses those situations. The Agency has determined that no modifications are needed at this time.		
395.	Comment recommends adding clarification that selecting a privacy-preserving product, such as a privacy-preserving browser, demonstrates the consumer's intent to opt-out of the sale or sharing of their personal information.	No change has been made in response to this comment. The regulation is reasonably clear. The regulation establishes the technical specifications for a valid opt-out preference signal and explains that the platform, technology, or mechanism needs to make clear to the consumer, whether in its configuration or in disclosures to the public, that the use of the signal is meant to have the effect of opting the consumer out of the sale and sharing of personal information. § 7025(b)(2). By specifying that the effect of the signal can be explained either in the configuration flow for the signal mechanism or public disclosures by the product developer, the regulation allows for situations where consumers affirmatively choose products or services that include built-in privacy-protective features because these products or services are designed with privacy in mind. The selection of privacy-by-design products or services is an affirmative step and sufficient to express the consumer's intent to opt out of the sale and sharing of personal information. ISOR, p. 34. The Agency has determined that no further elaboration is needed at this time.	W16-1	0172
396.	Comment states that global privacy control is technically easy and various tools are available for website operators to enable product opt-out.	No change has been made in response to this comment, which is an observation rather than a specific objection or recommendation regarding the regulations. The Agency notes that this comment supports the approach taken in the regulation and Response # 392.	W16-4	0173
397.	Comments recommend pointing to specific opt-out preference signals that satisfy the law, such as by creating a public list or registry based on the Agency's review and evaluation of opt-out preference signal mechanisms. Comments state that this will help with practical implementation and ensure consumers know which mechanisms	No change has been made in response to this comment. The Agency has determined that creating a public list or registry is not necessary at this time. Businesses can and have implemented the standard without examples codified in regulation. *See* ISOR, p. 33. Indeed, the regulation supports and builds on existing technical mechanisms, such as the Global Privacy Control, which businesses are already required to honor as a valid request to opt-out of sale under the current CCPA regulations. *See* 11 CCR § 7026(c); *see also*	W16-5 W17-16 W17-17 W17-18 W29-11 W48-7 W50-8 W59-58	0173 0184 0184 0184 0326 0489-0490 0500-0501 0616

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	will be honored and to what extent. Businesses also will be able to determine that a signal meets the regulations' requirements. Comments suggest limiting opt-out preference signals to a "single technology type," maintaining a public list of specific signals that businesses must recognize (and/or approving Global Privacy Control for the list, including as the sole opt-out signal standard at this time), or clarifying how businesses can verify that the signal, mechanism, or tool complies with the CCPA's requirements for such signals to avoid confusion.	Final J. & Permanent Inj., *California v. Sephora USA, Inc.*, No. CGC-22-601380 (Super. Ct. S.F. City & Cty. Aug. 24, 2022), https://oag.ca.gov/system/files/media/pea-sephora-filed-judgment.pdf. Thus, the comment's proposal to provide specific examples is not more effective in carrying out the purpose and intent of the CCPA because comprehension may be contextual and specific to the industry or business. Moreover, the Agency has determined that the regulation remains "forward-looking and is intended to continue to encourage innovation and the development of technological solutions to facilitate and govern the submission of requests to opt out." ISOR, App. A at p. 1 (citing California Department of Justice, Attorney General's Office, *Final Statement of Reasons* (June 1, 2020)); *see also* Department of Justice, Attorney General's Office, *Final Statement of Reasons*, at p. 37 (June 1, 2020).	W59-60 W59-61 W66-16 W66-17 W66-18 W66-19 W68-9 W83-3 W83-4 W83-5 W83-6 W83-7 W102-4 W102-5 O25-4	0616 0616 0729 0729-0730 0730 0730 0746-0747 0902 0902-903 0903 0903 0903 1080 1080 D2 18:2-18:13
398.	Comments recommend that opt-out preference signals be interoperable with the laws of other jurisdictions, such as Connecticut and Colorado, to benefit consumers and avoid confusion.	No change has been made in response to this comment. The CCPA directs the Agency to cooperate with other privacy agencies in other jurisdictions "to ensure consistent application of privacy protections." Civ. Code § 1798.199.40(i). Accordingly, § 7025 intentionally sets a flexible standard that facilitates interoperability with other jurisdictions. Additional regulations have not been proposed because other jurisdictions have not yet operationalized their own laws regarding opt-out preference signals. For instance, the comment specifically cites Colorado and Connecticut privacy laws as examples. However, those laws are not yet effective.	W17-15 W68-5 W81-12 W81-13	0183-0184 0745 0891 0891
399.	Comment recommends prioritizing educating consumers about global opt-out mechanisms, including their scope and their limitations.	No change has been made in response to this comment. The CCPA directs the Agency to "[p]romote public awareness and understanding" of privacy rights and "[p]rovide guidance to consumer regarding their rights." Civ. Code § 1798.199.40(e), (f). To the extent the comment is requesting the Agency to engage in these activities outside of the rulemaking process, the comment is not directed at the proposed regulations or the rulemaking	W17-22	0185

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		procedures followed, and no change is necessary. To the extent the comment is suggesting that the Agency meet its guidance functions through regulations, the Agency believes that the regulations help to serve a guidance function. *See, e.g.*, Response # 392.		
400.	Comments recommend including additional examples of exceptions to opt-out and notice requirements. Comments suggest that testing organizations' use of analytics services or social media widgets are exempt from opt-out and notice requirements.	No change has been made in response to this comment. The Agency has determined that providing specific examples is not necessary at this time. The comment's proposal to provide specific examples is not more effective in carrying out the purpose and intent of the CCPA because comprehension may be contextual and specific to the industry or business. To the extent the comment is making a legal argument about what businesses are covered by the CCPA, the comments appear to raise specific legal questions that would require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W20-39 W20-40	0212-0213 0213
401.	Comment recommends exempting businesses that do not have a direct relationship with the consumer, such as contractors, from the requirement to respond to opt-out requests. Comment asserts that it "would be both impractical and not meaningful to expect a contractor to respond to an opt-out request from a consumer that it does not directly interact with on a regular basis."	No change has been made in response to this comment. The comment appears to object to the CCPA, not the proposed regulation. The CCPA requires compliance from entities that do not have a direct relationship with consumers, such as contractors. *See, e.g.*, Civ. Code § 1798.100(d)(2), (d)(3) (requiring that a business that discloses, sells, or shares a consumer's personal information with a service provider, contractor, or third party enter into an agreement with that third party, service provider, or contractor that obligates them "to comply with applicable obligations under this title" and to use the personal information transferred "in a manner consistent with the business' obligations under this title"). The Agency has drafted regulations addressing compliance by service providers, contractors, and third parties. *See* §§ 7050-53. To the extent the comment argues that the opt-out signal provisions apply, or do not apply, to certain businesses, the comment appears to raise specific legal questions that would require a fact-specific determination. The commenter should consult with an attorney	W30-15	0334

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		who is aware of all pertinent facts and relevant compliance concerns.		
402.	Comment requests clarification on whether the standards for frictionless and non-frictionless signal processing in § 7025 can also be applied to the right to limit in § 7027.	No change has been made in response to this comment. The regulation is reasonably clear. Section 7025 presently applies to the right to opt-out of the sale/sharing of personal information and not the right to limit. As explained in the ISOR, § 7025 does not include the right to limit at this time to reduce the burden on businesses to respond to differing signals, and because no mechanism currently exists to communicate the expression of this right. ISOR, p. 33. It was also to prioritize the Agency's limited resources in promulgating regulations and to allow innovation to occur in new areas required by the CPRA amendments. ISOR, p. 33.	W35-18	0374
403.	Comment opines that it was "ridiculous" for the California Attorney General "to tweet that CADOJ considered the Global Privacy Control to be a qualifying opt-out signal." Comment states that the tweet at least provided guidance to the business community about the department's views.	No change has been made because the comment is not directed at any proposed regulation or the rulemaking procedures followed.	W59-60	0616
404.	Comments propose delaying implementation of the regulation or allowing a "phase-in period" to allow businesses to comply with the regulation.	No change has been made in response to this comment. Section 7025 supports and builds on existing technical mechanisms, such as the Global Privacy Control, which businesses are already required to honor as a valid request to opt-out of sale under the current CCPA regulations. *See* 11 CCR § 7026(c); *see also* Final J. & Permanent Inj*., California v. Sephora USA, Inc.*, No. CGC-22-601380 (Super. Ct. S.F. City & Cty. Aug. 24, 2022), https://oag.ca.gov/system/files/media/pea-sephora-filed-judgment.pdf. There is no reason to delay this regulation because businesses are already required to comply with user-enabled global privacy controls, which comply with § 7025. Moreover, the delay or phase-in period proposed by the comments would limit consumers' "expression of [their] right to stop the sale and sharing of personal information."	W59-59 W66-20 W83-6	0616 0730 0903

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		See ISOR, p. 33; *see also id.* at p. 34 ("The selection of privacy-by-design products or services is an affirmative step and sufficient to express the consumer's intent to opt out of the sale and sharing of personal information."). Thus, the comments' request to delay implementation of the regulation would harm consumers by denying them a recognized and efficient method for exercising their right to opt-out of the sale or sharing of their personal information that is already required with respect to sale under current regulations and enforced by the Attorney General. Further, the Agency may exercise prosecutorial discretion if warranted, depending on the particular facts at issue. Prosecutorial discretion permits the Agency to choose which entities to investigate and whether to initiate an administrative action. How the Agency decides to exercise its enforcement authority is a context-specific, fact-specific, discretionary decision. Proposed regulation § 7301(b) recognizes that, as part of the Agency's decision to pursue investigations of possible or alleged violations of the CCPA, it may consider all facts it determines to be relevant, including good-faith efforts to comply with the law.		
405.	Comments request that the regulation be amended to provide that businesses do not need to (1) reidentify or link information that is not considered personal information; (2) maintain information in identifiable, linkable, or associable form; or (3) collect, obtain, retain, or access data or technology to be able to comply with consumers' opt-out requests. Comments state requiring businesses to do these things could have harmful effects for consumers, particularly for consumers who use financial institutions.	No change has been made in response to this comment. Section 7025(c)(1) has been modified, and thus, portions of this comment may now be moot. To the extent the comments are not moot, the Agency has determined that no amendments are needed at this time. Civil Code § 1798.145(j) already states that the CCPA shall not be construed to require a business, service provider, or contractor to reidentify or otherwise link information that, in the ordinary course of business, is not maintained in a manner that would be considered personal information. There is no need to include this within the regulation's text. Further, § 7025, as modified, makes clear that the opt-out preference signal shall apply to the browser or device it is sent from and any consumer profile associated with that browser or device, including pseudonymous profiles. It does	W52-23 W52-24 W52-25 W52-48	0532-0533 0533 0533 0545

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		not require that the business match online users with an offline consumer if they are not already linked, but rather addresses the realities of how the internet works: that often users identities are only represented pseudonymously and not immediately linked to an offline or "real world" identity. *See* FSOR, pp. 18-19.		
406.	Comment requests that the Agency amend the regulation to promote consumer choice and ensure that the platform, technology, or mechanism that sends an opt-out preference signal cannot unfairly disadvantage another business.	No change has been made in response to this comment. The regulation provides that a "platform, technology, or mechanism that sends the opt-out preference signal shall make clear to the consumer . . . that the use of the signal is meant to have the effect of opting the consumer out of the sale and sharing of their personal information." § 7025(b)(2). By requiring platforms to clearly explain the effect of the signal, consumers will be in the best position to effectuate their intent. The regulation also addresses concerns about businesses that send signals unfairly disadvantaging another business. As noted in the ISOR, § 7025(d), which prohibits using personal information collected in connection with an opt-out request for any other purpose, applies to both the business and to the platform, technology, or mechanism that sends the opt-out preference signal, and therefore this regulation prevents creators of opt-out preference signals from having any unfair advantage over other businesses." ISOR, p. 37. The regulation thus implements the requirement in Civil Code § 1798.185(a)(19)(A)(i) that the regulation must prohibit "the manufacturer of a platform or browser or device that sends the opt-out preference signal [from] unfairly disadvantage[ing] another business." The Agency will continue to monitor the marketplace and may revisit this issue, if necessary.	W68-2 W68-3 W68-4 W68-6 W68-7 W70-12	0744 0744 0744-0745, 0747 0745-0746 0746 0785-0786
407.	Comment observes that "digital businesses operating across different technologies and platforms quite possibly will be challenged by the need to identify and comply with a wide range of different Signals[.]"	No change has been made in response to this comment, which is an observation or prediction rather than a suggestion. Because the concerns raised by the comment are hypothetical, the Agency sees no need to address the prediction at this time. The Agency will	W68-8	0746

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		continue to monitor the marketplace and may revisit the issue, if necessary.		
408.	Comment contends that the regulation "override[s] the statutory specifications for the opt-out signal that require meaningful disclosures to consumers" and that, as a result, "consumers are unlikely to understand . . . that an opt-out mechanism will override their choices with businesses they directly interact with[.]"	No change has been made in response to this comment. It is unclear what the comment is saying. It does not cite to specific statutory or regulatory provisions. To the extent the comment is intelligible, it proposes an interpretation of the regulations that is inconsistent with the regulations' language. The regulations do not override any provision of the CCPA. They require the platform, technology, or mechanism that sends the opt-out preference to "make clear to the consumer . . . that the use of the signal is meant to have the effect of opting the consumer out of the sale and sharing of their personal information." § 7025(b)(2). Moreover, the regulations specifically contemplate procedures that apply when a consumer's opt-out preference signal conflicts with their business-specific privacy setting. § 7025(c)(3). In that scenario, businesses may, but are not required to, notify the consumer of the conflict and provide the consumer with an opportunity to consent to the sale or sharing of their personal information. *Id.* In light of these provisions, the Agency disagrees with the comment's assertion that consumers are incapable of understanding the effect of opt-out preference signals.	W69-11	0765
409.	Comment states that CCPA's rulemaking grant does not specify that qualifying signals may only be developed or exercised in "online" contexts. Comment also suggests revising § 7025(a) to clarify that opt-out preference signals are not limited to websites, but may be developed for mobile apps, connected products, and potentially data collected offline.	No change has been made in response to this comment. The regulation is reasonably clear and should be understood by the plain meaning of the words. The Agency does not agree that the word "online" limits the use of opt-out preference signals to websites only. Indeed, the CCPA uses the term "online" broadly to include not just websites, but anything that is available on, or performed using, the internet or other computer network, such as mobile applications and connected devices. *See, e.g.*, Civ. Code § 1798.140(o), (p), (v)(1). Further analysis is required to determine whether a regulation addressing the offline context is necessary.	W70-4	0780

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
410.	Comments suggest that the Agency revise the ISOR to recognize that whether "privacy-by-default" mechanisms are consistent with the CCPA is a context-specific inquiry. The Agency should establish principled, objective factors – including, for example, examining the advertised purposes of a browser or tool, disclosures to users before and after download, and whether a setting is configurable, in determining qualifying opt-out signals.	No change has been made in response to this comment. To the extent that the comments request that the Agency revise the ISOR and not the regulations, that request will have little practical effect. To the extent the comments claim that § 7025 takes the position that "privacy-by-default" mechanisms are inconsistent with the CCPA, they misread the regulations. Subsection 7025(b) establishes the technical specifications for a valid opt-out preference signal and explains that the platform, technology, or mechanism needs to make clear to the consumer, whether in its configuration or in disclosures to the public, that the use of the signal is meant to have the effect of opting the consumer out of the sale and sharing of personal information. § 7025(b)(2). By specifying that the effect of the signal can be explained either in the signal's configuration or public disclosures, the regulation allows for situations where consumers affirmatively choose products or services that include built-in privacy-protective features because these products or services are designed with privacy in mind. As the ISOR explains, the "selection of privacy-by-design products or services is an affirmative step and sufficient to express the consumer's intent to opt out of the sale and sharing of personal information. Additional steps are not necessary, even if this means that a consumer relies on a privacy-by-default opt-out mechanism that is built into a platform, technology, or mechanism." ISOR, p. 34; *see also* ISOR, App. A at p. 1 (citing Department of Justice, Attorney General's Office, *Final Statement of Reasons Appendix A. Summary and Response to Comments Submitted during 45-Day Period* (June 1, 2020)); Department of Justice, *Final Statement of Reasons Appendix A. Summary and Response to Comments Submitted during 45-Day Period*, at pp. 31-32 ("The consumer exercises their choice by affirmatively choosing the privacy control, including when utilizing privacy-by-design products or services. If a global privacy setting experience frustrates the consumer, the consumer can disable their	W70-10 W70-11 W70-12	0784-0785 0785-0786 0785-0786

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		user-enabled control and return to using the 'Do Not Sell My Personal Information' link.").		
411.	Comment proposes amending regulation to require businesses to recognize "as legally valid opt-outs that are roughly consistent with a consumer intent to limit data sharing or cross-site advertising." This would allow California's law to be interoperable with Colorado, Connecticut, and other emerging state privacy laws, all of which define opt-out rights slightly differently.	No change has been made in response to this comment. Subsection 7025(b) imposes only two requirements: (1) that the signal "be in a format commonly used and recognized by businesses"; and (2) that the platform, technology, or mechanism that sends the signal "make clear to the consumer, whether in its configuration or in disclosures to the public, that the use of the signal is meant to have the effect of opting the consumer out of the sale and sharing of their personal information." § 7025(b). Subsection 7025(b)(2) also explicitly states that the opt-out preference signal need not be tailored only to California or to refer to California. As explained in the ISOR, the regulation was written this way to allow for situations where consumers affirmatively choose products or services that include built-in privacy-protective features because these products or services are designed with privacy in mind, and to allow for flexible innovation and for opt-out preference signal to comply with multiple jurisdictions' requirements, especially as other states have passed similar laws. ISOR, p. 34. The Agency believes that this regulation sufficiently addresses the comment's concern regarding interoperability between states.	W83-8	0903
412.	Comment proposes that the Agency establish a registry that consumers could use to opt-out of the sale or sharing of personal information and that businesses be required to check the list before disclosing a consumer's personal information.	No change has been made in response to this comment. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on this issue is necessary.	W83-15	0904-0905
413.	Comment states that allowing businesses to not post "a 'Do Not Sell or Share My Personal Information' link will be sufficient inducement to companies to refrain from	No change has been made in response to this comment. The comment proposes an interpretation of the CCPA that is inconsistent with the language, structure, and intent of the CCPA. As explained in Response # 389, the CCPA allows businesses that	W83-16 W83-17 W83-18 W83-19	0905-0906 0906 0906 0906

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	asking for consent to ignore OOPSs." Comment requests that the Agency take steps to ensure that consumers who use opt-out preference signals are not inundated with requests to sell or share their personal information. As a policy matter, a provision allowing consumers to re-opt-in will empower companies to pester users into granting permission to ignore OOPS. This will lead to ineffective controls for consumers, but a blanket prohibition on re-opt-in is likely disallowed by the structure of CPRA. At the very least, the standard for re-opt-in should be higher than the standard for ordinary consent, as the user has already communicated a general preference to not have their data sold or shared. There should also be heightened rules for what degree of friction is allowable under Civil Code § 1798.135(a) and §§ 7004 and 7028, such as prompt defaults for disallowing consent and specifying the language that should be used to convey consistently and fairly to consumers what is being requested.	post opt-out links in compliance with Civil Code § 1798.135(a) to impose some friction in response to opt-out preference signals. Alternatively, Civil Code § 1798.135(b) requires businesses that do not comply with subdivision (a) to process opt-out preference signals in a frictionless manner. This comment appears to be asking the Agency to override that statutory distinction and require businesses to process all opt-out preference signals in a frictionless manner. Because that would conflict with the statute, the Agency cannot make the change. With respect to the standard for re-opt-in, consent that complies with §§ 7004 and 7028's requirements is the appropriate standard, as this is consistent with the statutory requirements for re-opt-in under Civil Code § 1798.120(d). Similarly, with respect to rules for friction, §§ 7004 and 7025's requirements address what businesses can and cannot do when processing consumer opt-out requests via an opt-out preference signal. Further analysis is required to determine whether additional regulation on this issue is necessary.		
414.	Recommends (1) clarifying how "displays" of whether a business has processed a consumer's opt-out preference signal under § 7025(c)(6) will interact with the related requirement under § 7026(f)(4), under which a business must provide a means by which the consumer can confirm	No change has been made in response to this comment. The Agency has revised § 7025(c) and § 7026(f) in response to other comments, and thus, this comment is now moot. *See* Response #s 427 and 452. Subsection 7025(c)(6), which previously stated that the business "should" display whether it has processed the consumer's opt-out preference signal, has been revised to state that a business "may" make such a display. In the modified	W70-7 W70-8	0781-7082 0781-7082

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	their request to opt-out has been processed; (2) avoiding duplicative or inconsistent displays; (3) streamlining requirements for businesses that process opt-out preference signals to avoid loopholes and ensure that disclosures are meaningful to average consumers; and (4) encouraging businesses and signal providers to confirm consumers' opt-out statuses directly through signal mechanisms that show whether recipient websites honor opt-out signals in addition to displaying whether signals were sent to such websites.	regulations, § 7026(f)(4) has been removed from the requirements listed in subsection (f) and revised as a permissive guideline in subsection (g). The modified regulations are reasonably clear based on their plain meaning and provide businesses with discretion in determining whether to display that they have processed consumers' opt-out preference signals. Regarding the comment's other recommendations, the Agency has not addressed these issues at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether regulations on these issues are necessary.		
415.	Recommends that regulations enable users to exercise granular control over their privacy rights through opt-out preference signals and in a manner that is consistent, clear, and not overwhelming for users. Bases recommendation on the claim that certain tools, such as Global Privacy Control (GPC), do not permit the granular exercise of privacy rights because they are interpreted inconsistently.	No change has been made in response to this comment. The Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on this issue is necessary.	W70-13	0786-7087
416.	Recommends that the Agency (1) establish "an authoritative, multistakeholder process for the review and approval of qualifying signals and transmitting mechanisms;" (2) engage with regulators in other jurisdictions, including Colorado and Connecticut, to enable the interoperability of opt-out signals across jurisdictions; (3)	No change has been made in response to this comment. The Agency has not addressed these issues at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on these issue is necessary.	W70-14 W70-15	0787-7088 0788

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	discourage the "non-compliant implementation" of "otherwise qualifying" opt-out signals; and (4) ensure that businesses do not use the existence of a few non-compliant signals as justification to ignore all signals.			
417.	Subsections 7025(b), (c), (e) and 7026(a)(1) require businesses to process an opt-out preference signal. This is a cost that should have been addressed in a SRIA.	No change has been made in response to this comment. For the purposes of its economic analysis the Agency looked to the legal environment that consists of existing California law as well as other relevant privacy obligations to comprise the baseline economic conditions for the proposed regulations. The analysis contemplated whether the proposal created obligations not found in existing law. This section reiterates processing requirements that already exist in the California Consumer Privacy Act of 2018 and existing regulations, and thus, there is no regulatory cost to address in a SRIA.	W9-23 W13-3 W30-24	0052-0053 0158 0341
418.	OOPS are functionally necessary to make an opt-out based law work. Too many companies have failed to adhere to the letter and spirit of CCPA, and consumers have run into difficulties opting out of sale. The Agency must provide clarity as to how companies should adhere to OOPS.	No change has been made in response to this comment. The Agency has implemented the statutory requirements related to opt-out preference signals and provided appropriate clarification in § 7025. The necessity of each regulation is explained in the FSOR. FSOR, pp. 18-21.	W83-1	0901
– **§ 7025(b)**				
419.	Comment recommends clarifying that businesses that do not sell or share personal data are exempt from the opt-out signal preference regulations.	Accept. The Agency added language to § 7025(b) and (c)(1) to clarify that only a business that sells or shares personal information shall be required to process a valid opt-out preference signal.	W35-19	0374
420.	Comments recommend that the regulations permit consumers to turn on and off the opt-out preference signal because that is more user friendly and that	No change has been made in response to this comment. Section 7025 allows flexibility in the types of opt-out preference signals that consumers may choose. *See* § 7025(b)(1) (requiring businesses to process signals that are "in a format commonly used and	W10-2 W10-3 W24-32	0103-0104, 0118 0104 0235-0236

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	the signal should be harmonized with the confirmatory display in § 7026(f)(4) and the GDPR. One comment suggests revising regulation to "encourage signal providers to develop controls that permit consumers to exercise their privacy preferences with respect to particular businesses."	recognized by businesses"). Section 7025 does not prohibit this type of function in opt-out preference signals and some signal providers may choose to incorporate it; it just does not prescribe it. Requiring such a feature would invalidate already existing technical mechanisms, such as the Global Privacy Control, which businesses are required to honor as a valid request to opt-out of sale under the current CCPA regulations. *See* 11 CCR § 7026(c); *see also* Final J. & Permanent Inj*., California v. Sephora USA, Inc.*, No. CGC-22-601380 (Super. Ct. S.F. City & Cty. Aug. 24, 2022), https://oag.ca.gov/system/files/media/pea-sephora-filed-judgment.pdf. Further, as explained in the ISOR, § 7025(c)(3) already accounts for situations where the signal may conflict with a consumer's business-specific privacy setting. ISOR, pp. 35-36. Moreover, the Agency believes that promoting innovation is preferrable to prescriptive requirements and encouraged by the CCPA. *See* Civ. Code § 1798.185(a)(20)(A). Section 7025(b)'s performative standard best operationalizes the opt-out preference signal while allowing for innovation.	W39-6 W70-9	0407-0408 0783-0784
421.	Comment recommends revising the regulation to provide flexibility to businesses to address opt-out preference signals "in a manner compatible with their technical abilities." For example, when a signal is an HTTP header field enabled through a browser extension, a business should not be required to collect additional information from a consumer to link the user to other accounts.	No change has been made in response to this comment. Subsection 7025(c)(1) has been modified, and thus, portions of this comment may now be moot. To the extent the comment is not moot, the Agency has determined that no amendments are needed at this time. Civil Code § 1798.145(j) already states that the CCPA shall not be construed to require a business, service provider, or contractor to reidentify or otherwise link information that, in the ordinary course of business, is not maintained in a manner that would be considered personal information. There is no need to include this within the regulation's text. Further, § 7025, as modified, makes clear that the opt-out preference signal shall apply to the browser or device it is sent from and any consumer profile associated with that browser or device, including pseudonymous profiles. It does not require that the business match online users with an offline	W28-9	0277, 0283

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		consumer if they are not already linked, but rather addresses the realities of how the internet works: that often users identities are only represented pseudonymously and not immediately linked to an offline or "real world" identity. *See* FSOR, pp. 18-19.		
422.	Comments contend that § 7025(b)(2) "directly contradicts . . . statutory standards," for example, by requiring businesses to recognize signals that do not clearly represent a consumer's intent. Comments contend that the regulations would authorize opt-out preference signals that do not comply with the CCPA.	No change has been made in response to this comment. The comments propose an interpretation of the CCPA that is inconsistent with the language, structure, and intent of the CCPA. In addition, the comments' interpretation of the regulation is inconsistent with the regulation's language. The regulation provides that a "platform, technology, or mechanism that sends the opt-out preference signal shall make clear to the consumer . . . that the use of the signal is meant to have the effect of opting the consumer out of the sale and sharing of their personal information." § 7025(b)(2). By requiring platforms to clearly explain the effect of the signal, consumers will be in the best position to effectuate their intent. That approach "builds on existing section 7026, subsection (c)(1), which requires user-enabled global privacy controls to clearly communicate or signal that a consumer intends to opt-out of the sale of their personal information. By specifying that the effect of the signal can be explained either in the signal's configuration or public disclosures, the regulation allows for situations where consumers affirmatively choose products or services that include built-in privacy-protective features because these products or services are designed with privacy in mind. The selection of privacy-by-design products or services is an affirmative step and sufficient to express the consumer's intent to opt out of the sale and sharing of personal information." ISOR, p. 34. The comment's premise is thus incorrect.	W69-5 W69-6	0764 0764
423.	Comment contends that the regulation "provide[s] no clear path to compliance for businesses that do not offer their services	No change has been made in response to these comments. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Accordingly, the regulation is a performative standard that is	W81-9	0888

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	via webpage, for example businesses that offer connected devices and OTT services."	meant to apply to a wide range of factual situations and across industries and to promote innovation and new technological solutions to address this very type of issue. *See* ISOR, App. A at p. 1 (citing California Department of Justice, Attorney General's Office, *Final Statement of Reasons* (June 1, 2020)); *see also* Department of Justice, Attorney General's Office, *Final Statement of Reasons*, at p. 37 (June 1, 2020). The Agency may consider additional regulations in future rulemakings.		
424.	Comments suggest that the Agency should amend the regulation to provide that opt-out preference signals must require consumers to provide their state of residence to the platform, technology, or mechanism transmitting the signal and that the signal transmit the information to businesses. This is necessary for businesses to apply the correct opt-out rights, as states may have different definitions of "sale" and do not have a "sharing" definition, and to prevent burdens on businesses and consumers.	No change has been made in response to these comments. The comments propose an interpretation of the CCPA that is inconsistent with the language, structure, and intent of the CCPA. As explained in the ISOR, the platform, technology, or mechanism need not explicitly reference California to allow for flexible innovation and for opt-out preference signals to comply with multiple jurisdictions' requirements, especially as other states have passed privacy legislation that provides for a consumer right to opt-out via universal opt-out mechanisms. Requiring that the signal explicitly reference California would be burdensome to businesses because it would reduce the interoperability of a universal signal and require state-specific implementation, which is unnecessary given that the sale or sharing of personal information is not unique to any individual state or jurisdiction. Furthermore, binding the signal to a specific state is not necessary because it is merely legal in nature and not required for functionality. If a business treats consumers differently depending on the state that they reside in, they can seek this information in response to the signal (albeit doing so would not allow the business to fall within the exception provided for in Civil Code § 1798.135(b)(1)). The signal itself is not required to include this information. This regulation is necessary to ensure that opt-out preference signals recognized in California are compatible with signals recognized in other jurisdictions, which is in line with the purpose and intent of the CCPA. ISOR, p. 34. In	W81-11 W81-13	0889-0891 0891

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		addition, requiring this would invalidate already existing technical mechanisms, such as the Global Privacy Control, which businesses are required to honor as a valid request to opt-out of sale under the current CCPA regulations. *See* 11 CCR § 7026(c); *see also* Final J. & Permanent Inj.*, California v. Sephora USA, Inc.*, No. CGC-22-601380 (Super. Ct. S.F. City & Cty. Aug. 24, 2022), https://oag.ca.gov/system/files/media/pea-sephora-filed-judgment.pdf. The Agency does not find the comment's reasoning persuasive.		
425.	Comments suggest that opt-out preference signal providers be required to inform consumers of the signal's limitations, suggesting several such limitations such as stating that the signal is only effective on the browser to which it is downloaded. One comment claims that consumers will otherwise be led to believe that opt-out preference signals can and will do more than is actually possible.	No change has been made in response to these comments. As an initial matter, the comments' interpretation of the regulation is inconsistent with the regulations' language. For instance, the comment suggests requiring signal providers to inform consumers that an "opt-out preference signal . . . is only effective on the browser to which it is downloaded." That is inaccurate. Subsection 7025(c)(1) provides that "[t]he business shall treat the opt-out preference signal as a valid request to opt-out of sale/sharing submitted pursuant to Civil Code section 1798.120 for that browser or device *and any consumer profile associated with that browser or device, including pseudonymous profiles*" (emphasis added). That provision implements the requirement in the CCPA that, when a consumer opts out of the sale or sharing of their personal information, a business must "refrain from selling or sharing the consumer's personal information." *See* Civ. Code § 1798.135(c)(4). The CCPA defines "personal information" broadly to include persistent and probabilistic identifiers that could be used to identify a particular consumer or device. *Id.* at § 1798.140(v), (aj); FSOR, pp. 18-19. Second, § 7011(e)(3)(F) already requires the business to disclose how an opt-out preference signal will be processed for the consumer. The Agency believes requiring businesses to disclose this information is the better approach for informing consumers because businesses will apply the signal in	W37-11 W84-12	0390 0921

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		different ways depending on their data practices. Further, requiring such a feature of the signal providers would invalidate already existing technical mechanisms, such as the Global Privacy Control, which businesses are required to honor as a valid request to opt-out of sale under the current CCPA regulations. *See* 11 CCR § 7026(c); *see also* Final J. & Permanent Inj.*, California v. Sephora USA, Inc.*, No. CGC-22-601380 (Super. Ct. S.F. City & Cty. Aug. 24, 2022), https://oag.ca.gov/system/files/media/pea-sephora-filed-judgment.pdf.		
426.	Comment contends that the phrase "the use of the signal is meant to have the effect of opting the consumer out of the sale and sharing of their personal information" is contradictory to the sentence that "The configuration or disclosure does not need to be tailored only to California or to refer to California." Comment states that the author does not "have a strong enough opinion to offer a suggestion."	No change has been made in response to this comment, which is an observation rather than a specific objection or recommendation regarding the regulation. In any event, comment's observation is incorrect. The two sentences are fully compatible with one another.	W102-6	1080
– **§ 7025(c)**				
427.	Subsection 7025(c)(6) requires that businesses display whether an opt-out preference signal has been processed. This is a cost that should have been addressed in a SRIA.	Accept in part. This subsection has been revised to make this requirement optional, and thus, this comment is now moot.	W9-26 W13-3	0053-0054 0158
428.	Subsections 7025(c)(6), (c)(4) requires businesses to display whether an opt-out preference signal conflicts with enrollment in a financial incentive program. This is a cost that should have been addressed in a SRIA.	Accept in part. This subsection has been revised to make this requirement optional, and thus, this comment is now moot.	W9-27 W13-3 W69-10	0054 0158 0765

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
429.	Subsections 7025(c)(2), (7)(B), (7)(C) require a persistence mechanism for opt-out preference signals such that the signal continues to apply even if logged in differently. This is a cost that should have been addressed in a SRIA.	No change has been made in response to this comment. For the purposes of its economic analysis the Agency looked to the legal environment that consists of existing California law as well as other relevant privacy obligations to comprise the baseline economic conditions for the proposed regulations. The analysis contemplated whether the proposal created obligations not found in existing law. This section reiterates processing requirements that already exist in the California Consumer Privacy Act of 2018 and existing regulations, and thus, there is no regulatory cost to address in a SRIA.	W9-24 W13-3	0053 0158
430.	Section 7025(c)(5) requires a persistence mechanism for opt-out preference signals such that the signal continues to apply to known browsers even if the signal is no longer enabled. This is a cost that should have been addressed in a SRIA.	No change has been made in response to this comment. For the purposes of its economic analysis the Agency looked to the legal environment that consists of existing California law as well as other relevant privacy obligations to comprise the baseline economic conditions for the proposed regulations. The analysis contemplated whether the proposal created obligations not found in existing law. This section reiterates processing requirements that already exist in the California Consumer Privacy Act of 2018 and existing regulations, and thus, there is no regulatory cost to address in a SRIA.	W9-25 W13-3	0053 0158
– **§ 7025(c)(1)**				
431.	Comment proposes revising regulation to clarify that "when a user's identity is known to a company, OOPSs and other opt-out requests should apply in other scenarios where the company is able to identify that user."	Accept. The regulation has been revised to provide that, if a businesses that sells or shares a consumer's personal information knows the identity of a consumer who sends an opt-out preference signal, it shall treat that signal as "a valid request to opt-out of sale/sharing for the consumer."	W83-11	0904
432.	Comment suggests revising the regulation to recognize that an opt-out preference signal apply to "any information [the business] can reasonably link to this consumer" (italics omitted).	Accept in part. The regulation has been revised to provide that "[t]he business shall treat the opt-out preference signal as a valid request to opt-out of sale/sharing submitted pursuant to Civ. Code section 1798.120 for that browser or device and any consumer profile associated with that browser or device, including	W90-8	0972-0973, 1009

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		pseudonymous profiles. If known, the business shall also treat the opt-out preference signal as a valid request to opt-out of sale/sharing for the consumer." § 7025(c)(1).		
– **§ 7025(c)(2)**				
433.	Comments support the regulation providing that opt-out preference signals should not require a user to take specific action to confirm or authenticate the signal. Comments express concern that attempts to require authentication of consumers might simply be an attempt to avoid having to honor a consumer's preference to stop the sale or sharing of personal data.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W40-3 W40-4 W40-5 O9-3	0412 0412 0412 D1 31:5-31:15
434.	Comment supports providing businesses with the option of providing consumers with the option of providing more data for the sole purpose of effectuating the consumers' opt-out in other contexts where the consumer's identity is known to the company.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W83-13	0904
435.	Comment recommends clarifying that the validity of a request to opt-out of the sale or sharing of personal information does not require authentication or submission of additional information and that additional information can only be asked for purposes of extending the opt out (e.g., from one browser to all browsers a consumer is using).	Accept in part. The regulation permits business to provide consumers with an option to "provide additional information if it will help facilitate the consumer's request to opt-out of sale/sharing." § 7025(c)(2). But the section has been revised section to state: "However, if the consumer does not respond, the business shall still process the opt-out preference signal as a valid request to opt-out of sale/sharing for that browser or device and any consumer profile the business associates with that browser or device, including pseudonymous profiles." *See also* ISOR, p. 35.	W16-2	0172-0173
436.	Comments express concern that the provision allowing businesses to "provide	No change has been made in response to this comment. The comment's proposed changes are not more effective in carrying	W60-7 W60-38	0626 0639

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	the consumer with an option to provide additional information if it will help facilitate the consumer's request to opt-out of sale or selling" opens the door to friction and may be incompatible with the law. Comments propose not allowing businesses to have the "'last say' in th[e] exchange over data." Another comment proposes that businesses be required to post a link to their privacy policies that allows consumers to provide additional data beyond what a browsing visit would supply. Comment also recommends additional language to prevent excessive additional friction.	out the purpose and intent of the CCPA. The regulation as drafted is fully consistent with the provision in the CCPA that contemplates businesses being allowed to request information that "is necessary in order to direct the business not to sell or share the consumer's personal information." Civ. Code § 1798.135(c)(1). As the ISOR explains, "a business may need additional information from the consumer to apply the request to opt-out of sale/sharing to offline sales, and thus, permits the business to provide consumers with the option to provide additional information if it will help facilitate the request. This regulation is necessary to address the realities of the way in which businesses sell and share personal information and the technical limitations of the opt-out preference signal. It balances the consumer's privacy interest with a business's ability to operationalize and process the opt-out. It also limits the further downstream use of consumer personal information with a purpose limitation that prevents a business from using, disclosing, or retaining any information used in processing the opt-out request." ISOR, p. 35. As to requiring a link within the privacy policy to provide additional data, this is already an alternative method by which consumers can submit their requests to opt-out. It does not address the scenarios posed by an opt-out preference signal.	W60-39 W90-7 W90-8 W90-9 W92-2 O11-1 O18-2 O27-2 O28-3	0639 0972, 1009, 1012 0972-0973, 1009 0973, 1009 1048-1049 D1 37:25-39:13 D1 57:19-58:3 D2 24:9-25:15 D2 27:22-28:13
– **§ 7025(c)(3)**				
437.	Comment supports the general framework in the regulation for handling contradictory indications of user intent.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W83-22	0906
438.	Comment suggests clarifying that when a consumer's opt-out out preference signal conflicts with their business-specific privacy settings, and the consumer denies consent to sell or share their personal information in the procedure established by the	Accept in part. The example in § 7025(c)(7)(B) has been updated to clarify that a business must wait 12 months before asking a consumer who does not consent to the sale of their personal information after the business receives an opt-out preference signal that conflicts with the consumer's business-specific privacy setting. This revision is consistent with Civil Code § 1798.135(c)(4) (requiring businesses that sell or share consumers' personal	W83-20 W83-21	0906 0906

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	regulation, the business cannot ask the consumer to opt in again for 12 months.	information to, among other things, "wait for at least 12 months before requesting that the consumer authorize the sale or sharing of the consumer's personal information or the use and disclosure of the consumer's sensitive personal information for additional purposes").		
439.	Comment recommends striking the clause "in a conspicuous manner."	No change has been made in response to this comment. Subsection 7025(c)(6) has been modified to make displaying the status of the consumer's choice optional, and thus, this comment is now moot.	W10-29	0118
440.	Comments recommend that the regulations permit a business to honor consumers' business-specific privacy choices that conflict with an opt-out preference signal because it is overly burdensome to require the business to request more information and clarify what the consumer intended to communicate. Comments contend that the regulation "exceeds the spirit of the CPRA."	No change has been made in response to this comment. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. Subsection 7025(c)(3) recognizes that a consumer's business-specific privacy setting may conflict with the consumer's use of an opt-out preference signal. Where that happens, the regulation requires the business to honor the opt-out preference signal, but also to "notify the consumer of the conflict and provide the consumer with an opportunity to consent to the sale or sharing of their personal information." § 7025(c)(3). The Agency has determined that consumers who want to consent to the sale or sharing of their information will permit the business to do so, and there will no longer be a conflict. The regulation thus allows for a meaningful expression of the consumer's intent. The approach proposed by the comments, by contrast, places the onus on the consumer to clarify their intent, and creates an increased risk that a consumer's information will be sold or shared without that consumer's actual consent. It ignores the fact that a consumer may exercise their right to opt-out of the sale/sharing at any time, and that the general default status for consumers is that they are opted into the sale/sharing of personal information. ISOR, pp. 35-36.	W28-12 W29-12 W69-7	0278-0281, 0283 0326 0764
441.	Comment suggests there may be an endless loop with how the requirement in § 7025(c)(3) may be implemented based on	No change has been made in response to this comment. The requirement governing how businesses deal with opt-out preference signals that conflict with consumers' business-specific	W46-2	0476-0477

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	the example described in § 7025(c)(7)(B). Comment recommends clarifying that once a consumer has consented to the sale/sharing of their personal information and the business has logged receiving the consumer's consent while their preference signal was on, the signal can be subsequently ignored when the consumer logs back in again and the site recognizes that the consumer as having consented to the sale/sharing of their personal information. Consent then does not need to be collected each time the consumer logs back in.	privacy settings is reasonably clear. Subsection 7025(c)(3) provides that when an opt-out preference signal conflicts with a consumer's business-specific privacy setting, the business may offer, consistent with § 7004, the consumer an opportunity to consent. A business that obtains the consumer's consent "may ignore the opt-out preference signal for as long as the consumer is known to the business." § 7025(c)(3). Subsection 7025(c)(7)(B) does not change or alter that.		
442.	Comment contends that the regulation creates "an unnecessarily burdensome requirement for businesses" because they must build new mechanisms to detect conflicts and honor signals. This is made even more unreasonable in the context of the Agency's failure to issue any of the requirements and technical specifications for an opt-out preference signal.	No change has been made in response to this comment. The Agency has made efforts to limit the burden of the regulations while implementing the CCPA. The regulation supports and builds on existing technical mechanisms, such as the Global Privacy Control, which businesses are already required to honor as a valid request to opt-out of sale under the current CCPA regulations. *See* 11 CCR § 7026(c); s*ee also* Final J. & Permanent Inj*., California v. Sephora USA, Inc.*, No. CGC-22-601380 (Super. Ct. S.F. City & Cty. Aug. 24, 2022), https://oag.ca.gov/system/files/media/pea-sephora-filed-judgment.pdf. Businesses should already be complying with this law. With respect to comment's claim regarding the requirements and technical specifications for an opt-out preference signal, see Response # 392.	W69-8	0764
443.	Comment contends that § 7025(c)(3) is unclear on how a business should respond to a signal when it cannot identify the consumer. Comment requests that Agency revise the regulation to state that	No change has been made in response to this comment. The comments' interpretation of the regulation is inconsistent with the regulations' language. The regulation is reasonably clear. The regulation provides that the business shall process the signal as a valid request to opt-out of sale sale/sharing *if* the signal conflicts	W69-9	0764-0765

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	businesses do not have an obligation to assess whether there is a conflict.	with a consumer's business-specific privacy setting. § 7025(c)(3). It thus applies where a business knows the identity of the consumer. Other provisions govern where the identity of the consumer is unknown. Indeed, the comment appears to be addressed by the example in § 7025(c)(7)(E), which notes that where the consumer's identity is unknown, the business shall "honor [the] opt-out preference signal as it pertains to [the consumer's] browser or device[.]" To the extent the comment appears to raise specific legal questions that would require a fact-specific determination, the commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.		
444.	Comment states that the "phrase 'in a conspicuous manner' in section 7025(c) should . . . be revised so it conforms to section 7026(f)(4)."	No change has been made in response to this comment. The Agency has deleted the phrase "in a conspicuous manner" from § 7025(c)(3) and (c)(4), and thus, this comment is now moot.	W89-8	0953-0954
– **§ 7025(c)(4)**				
445.	Comment suggests clarifying the regulation so that the exception in § 7025(c)(4) allowing businesses to ignore a consumer's opt-out preference signal applies only with respect to the consumer's participation in the financial incentive program.	Accept. The regulation has been revised to provide, in pertinent part, that "[i]f the business asks and the consumer does not affirm their intent to withdraw, the business may ignore the opt-out preference signal with respect to that consumer's participation in the financial incentive program for as long as the consumer is known to the business."	W70-5	0781
446.	Comment contends that where a business has obtained opt-in consent for a specific use, such as participating in a financial incentive program, the regulations should honor and prioritize that consent. To do otherwise would undermine the express consent of the consumer and create a more burdensome privacy experience both for the consumers and businesses.	Accept in part. Subsection 7025(c)(4) has been modified to allow the businesses to notify the consumer when an opt-out preference signal conflicts with the consumer's participation in a financial incentive program and ask whether they intended to withdraw from the program. If the business asks, it may ignore the signal unless the consumer instructs otherwise.	W29-12 W69-10	0326 0765

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
447.	Comment suggests amending the regulation to require businesses to describe to the consumer "the material terms of the financial incentive program, including details on how the business's financial incentive program relates to the value of the consumer's data."	No change has been made in response to this comment. Subsection § 7025(f)(4) has been modified, and thus, this comment is now moot.	W90-24	1009
– **§ 7025(c)(5)**				
448.	Comment requests that businesses should not be required to have the capability to recognize a consumer's opt-out where the consumer previously elected to use a signal because, in many instances, businesses cannot associate an opt-out signal with an individual consumer after the consumer switches browser or device.	Accept in part. The regulation has been revised to provide that "[w]here the consumer is known to the business, the business shall not interpret the absence of an opt-out preference signal after the consumer previously sent an opt-out preference signal as consent to opt-in to the sale or sharing of personal information."	W68-10	0747-0748
449.	Comment states that if current technologies do not provide a separate opt-in option, businesses should be able to interpret the absence of an opt-out preference signal as "consent to opt-in."	No change has been made in response to this comment. The comment proposes an interpretation of the CCPA that is inconsistent with the language, structure, and intent of the CCPA. In particular, the comment relies on a definition of consent that is inconsistent with the CCPA's definition. *See* Civ. Code § 1798.140(h); *see also* ISOR p. 36; § 7004.	W52-18	0531
– **§ 7025(c)(6)**				
450.	Comment suggests revising regulation to "clarify whether or not businesses are required to display a signal status."	Accept. The regulation has been revised to clarify that the requirement is permissive.	W70-6	0781
451.	Comment suggests revising regulations to "clarify how § 7025(c)(6) displays will interact with the related requirement under § 7026(f)(4) to allow consumers to confirm whether an opt-out request has been 'processed.'"	Accept in part. Both sections have been revised to provide that the displays are permissive.	W70-7	0782

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
452.	Comments recommend removing the requirement that businesses communicate whether the opt-out signal preference has been processed because it is overly burdensome, prescriptive, confusing to consumers if the business does not sell/share personal information, and not specifically required under the CCPA. Additionally, the comments state that it will be difficult to implement on small screens.	Accept in part. The Agency has revised the regulation to clarify that it is optional for the business to display the status of whether the business has processed the opt-out preference signal as a valid request to opt-out of sale/sharing on its website.	W9-26 W24-28 W40-7 W40-8 W40-9 W40-10 W51-7 O9-1	0053-0054 0235 0412 0412 0412 0412 0512-0513 D1 29:19-30:1
453.	Comment recommends clarifying what the "honored" indicator needs to look like and how businesses should go about implementing this requirement.	No change has been made in response to this comment. The Agency has revised the regulation in response to other comments, and thus, this comment is moot. *See* Response #s 427 and 452.	W46-3	0477
454.	Comments suggest that the Agency revise regulations to encourage businesses and signal providers to confirm a consumer's opt-out status directly through a signal mechanism. One comment provides examples of GPC plug-ins that function in that manner.	No change has been made in response to this comment. Section 7025 allows flexibility in the types of opt-out preference signals that consumers may choose. *See* § 7025(b)(1) (requiring businesses to process signals that are "in a format commonly used and recognized by businesses"). Section 7025 does not prohibit this type of function in opt-out preference signals and some signal providers may already incorporate it; the regulation just does not prescribe it. Requiring such a feature may invalidate already existing technical mechanisms, such as the Global Privacy Control, which businesses are required to honor as a valid request to opt-out of sale under the current CCPA regulations. *See* 11 CCR § 7026(c); *see also* Final J. & Permanent Inj*., California v. Sephora USA, Inc.*, No. CGC-22-601380 (Super. Ct. S.F. City & Cty. Aug. 24, 2022), https://oag.ca.gov/system/files/media/pea-sephora-filed-judgment.pdf. The Agency believes that promoting innovation is preferrable at this time.	W70-8	0781-0782

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
455.	Comments propose requiring businesses to either (1) post a prominent notice about the consumer's opt-out status, or (2) when the business disregards or does not honor the opt-out preference signals, to notify consumers in a "prominent notice . . . that the OOPS is not considered operative." In either instance, the business should include instructions on how to remedy a defective setting or revoke consent.	No change has been made in response to this comment. The Agency has revised the regulation in response to other comments, and thus, this comment is moot. *See* Response #s 427 and 452.	W83-10 W83-23 W83-24 W83-25	0904 0907 0907 0907
– **§ 7025(c)(7)**				
456.	Comments express concern that the example in § 7025(c)(7)(B) may inappropriately extend the opt-out preference to the entirety of the business's relationship with the consumer because it may be difficult for publishers to identify the consumer in other contexts and require businesses to collect more information than is necessary. In addition, the consumer has different expectations in different contexts regarding the use of their data, and may not intend to impact data collection on other devices.	No change has been made in response to this comment. Section 7025 has been modified to make clear that the opt-out preference signal shall apply to the browser or device it is sent from and any consumer profile associated with that browser or device, including pseudonymous profiles. It does not require that the business match online users with an offline consumer if they are not already linked, but rather addresses the realities of how the internet works: that often users identities are only represented pseudonymously and not immediately linked to an offline or "real world" identity. *See* FSOR, pp. 18-19. Accordingly, this comment is now moot.	W40-11 W40-12 O9-2	0412-0413 0413 D1 30:2-31:4
– **§ 7025(e)**				
457.	Comment supports the clarification in the regulation that businesses must adhere to the opt-out preference signal.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W83-2 O25-1	0902 D2 16:11-17:9
458.	Comment proposes revising the phrase "alternative opt-out link" and replacing it with a different description, such as "a link that combines both links into one,"	Accept in part. The comment proposes replacing language that is not in the regulation. Nevertheless, the Agency has revised the regulation to make clear that the phrase Alternative Opt-out Link in	W90-25	1011

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	because it is similar to the phrase "alternative opt-out link" in § 7015.	§ 7025(e) has the same definition of Alternative Opt-out Link in § 7015. *See* § 7001(b) (defining "Alternative Opt-out Link).		
459.	Comment suggests removing the text before the sentence "If a business processes opt-out preference signals in a frictionless manner in accordance with subsections (f) and (g) of this regulation, then it may, but is not required to, provide the above-referenced links" because it will not pass substantive review by the Office of Administrative Law and is unclear and unnecessary.	No change has been made in response to this comment. The regulation is reasonably clear. In addition, as recognized in the ISOR, "[t]his regulation is necessary to respond to incorrect interpretations in the marketplace that complying with an opt-out preference is optional for the business." ISOR, p. 37. The regulation recognizes that Civil Code § 1798.135 "does not give the business the choice between posting the above-referenced links or honoring opt-out preference signals." § 7025(e). The language at issue clearly explains the circumstances under which the business is not required to provide the "Do Not Sell or Share My Personal Information" and "Limit the Use of My Sensitive Personal Information" links.	W42-5	0431
460.	Comments oppose the concept of "non-frictionless processing" because it will "open the floodgates of deceptive and manipulative design from companies who will take every opportunity to deprive consumers of their privacy[.]" It authorizes dark patterns, undermining other provisions in the regulations. Comments request that the concept be stricken from the regulations.	No change has been made in response to this comment. The comments propose an interpretation of the CCPA that is inconsistent with the language, structure, and intent of the CCPA. The comment's interpretation of the regulation is also inconsistent with the regulation's language. As explained in Response # 389, the CCPA allows businesses that post opt-out links in compliance with Civil Code § 1798.135(a) to impose some friction in response to opt-out preference signals. Subsection 7025(c) limits that friction to only situations in which providing additional information would benefit the consumer (to further facilitate the consumer's request to opt-out of sale/sharing) or when the signal conflicts with the consumer's business-specific privacy settings or the consumer's participation in a financial incentive program. Even in those circumstances, the regulation clarifies that there are limits to that friction. For example, if a business notifies the consumer of a conflict with their business-specific privacy settings and asks them to consent to the sale of personal information, the business must do so in a manner that complies with § 7004. Also, if the consumer	W62-7 W62-8 W62-9 W62-10 W62-11 W62-12	0660-0662 0661 0662-0663 0663 0663 0663

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		does not respond, the business must process the signal as a valid request to opt-out of sale/sharing, see § 7025(c)(3). Similarly, after a business asks a consumer to opt-in to the sale of personal information, it must wait at least 12 months before asking the consumer again. § 7025(c)(7)(B). This comment appears to be asking the Agency to override that statutory distinction and require businesses to process all opt-out preference signals in a frictionless manner. Because that would conflict with the statute, the Agency cannot make the change.		
461.	Comment contends that an opt-out preference signal is not the same as a consumer authorizing a person to opt-out of the sale or sharing of the consumer's personal information under Civil Code § 1798.135(e) because a signal is not a "person" under Civil Code § 1798.140(u). Comment asserts that regulation appears to rely on this incorrect understanding.	No change has been made in response to this comment. The comment proposes an interpretation of the CCPA that is inconsistent with the language, structure, and intent of the CCPA. The CCPA expressly recognizes that opt-out preference signals are a method of invoking a consumer's right to limit the sale or sharing of their personal information. *See* Civ. Code §§ 1798.135(b), (e), 1798.185(a)(19), (a)(20). As explained in the ISOR, an "opt-out preference signal [is] an expression of a consumer's right to stop the sale and sharing of personal information." ISOR, p. 33; *see also id.* at p. 34 ("The selection of privacy-by-design products or services is an affirmative step and sufficient to express the consumer's intent to opt out of the sale and sharing of personal information.").	W81-6	0886
462.	Comment proposes amending regulation to delete the phrase "in a frictionless manner" from the regulation. Comment also proposes adding text noting the source of authority for the regulation.	No change has been made in response to this comment. As explained in the ISOR, the phrase "in a frictionless" manner is necessary to help "provide[] clarity to businesses seeking to operationalize their response to an opt-out preference signal[.]" ISOR, p. 38. The Agency has determined that removing that text would contribute to the "incorrect interpretations in the marketplace that complying with an opt-out preference is optional for the business." ISOR, p. 38. Adding text identifying the source of the authority for the regulation in the manner proposed by the comment is unnecessary and not required by law.	W84-13	0921

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
– **§ 7025(f)**				
463.	Comments express concern over the concept of "frictionless manner" because it contradicts the statute, fails the clarity standard, and will be difficult for consumers to understand and businesses to implement.	No change has been made in response to this comment. The comments propose an interpretation of the CCPA that is inconsistent with the language, structure, and intent of the CCPA. As explained in the ISOR, § 7025(f) operationalizes and provides a useful "shorthand" for Civil Code § 1798.135(b), in accordance with Civil Code § 1798.185(a)(20). ISOR, p. 38. It reiterates Civil Code § 1798.185(a)(20), which prohibits a business from responding in a manner that charges the consumer a fee, makes products or services offered by the business not function properly or fully for the consumer, or displays a notification or pop-up in response to the signal, and is necessary to provide clarity to businesses. *Id*. The regulation sets forth in plain English what constitutes friction: in short, charging a fee, changing a consumer's experience with the product, or displaying unnecessary pop-ups or the like. § 7025(f). The regulation is reasonably clear based on the plain meaning of the words. The Agency disagrees that it will be difficult for consumers to understand or for businesses to implement.	W24-29 W28-7 W42-2	0235 0281-0282 0429-0430
464.	Comment contends that opt-out preference signals, at least with their current technical capabilities, are virtually incapable of effectuating an opt-out in a "frictionless manner" because of offline sales of personal information.	No change has been made in response to this comment. To the extent the comment appears to raise specific legal questions that would require a fact-specific determination, the commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. To the extent that the comment contends that the regulation "undercuts" certain business's ability to take advantage of the exception, the comment does not provide sufficient specificity to the Agency to make any modifications to the text. As the ISOR explains, the regulation is necessary to ensure that consumers still have a means of understanding and easily exercising their right to opt-out of sale/share when a business sells or shares personal information in an offline manner. Giving businesses the option of not posting the "Do Not Sell My Personal Information" link or Alternative Opt-out Link when the opt-out	W37-10	0390

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		preference signal does not fully address all instances in which a business sells or shares consumer personal information would give consumers a false understanding that their opt-out request is fully processed. Moreover, it would allow businesses to bury their method for opting out of the offline sale and sharing of personal information in their privacy policies. ISOR, pp. 38-39.		
465.	Comment proposes revising regulation to identify the source of authority for promulgating the regulation.	No change has been made in response to this comment. This comment is incorrect. Section 7025(f) states "[e]xcept as allowed by these regulations, processing an opt-out preference signal in a frictionless manner *as required by Civil Code section 1798.135 subdivision (b)(1)*" (emphasis added). Moreover, the Note to § 7025 lists the authority that permits the Agency to adopt this section.	W84-13	0921
466.	Comment recommends deleting § 7025(f)(2) because it will have unintended consequences for consumers whose personal information is necessary to complete transaction in which the consumer's information is transferred to third parties and the business chooses to process opt-out preference signals in a frictionless manner.	No change has been made in response to this comment. As the ISOR explains, § 7025(f) "is necessary to operationalize Civ. Code section 1798.135, subdivision (b), in accordance with Civ. Code section 1798.185, subdivision (a)(20). It provides clarity to businesses seeking to operationalize their response to an opt-out preference signal in a frictionless manner. It reiterates Civ. Code section 1798.185, subdivision (a)(20), which prohibits a business from responding in a manner that charges the consumer a fee, makes products or services offered by the business not function properly or fully for the consumer, or displays a notification or pop-up in response to the signal. Including these statutory requirements in the regulation is necessary for clarity because it consolidates all the requirements regarding the frictionless response in one place." ISRO, p. 38. Section 7025(f)(2) "explains what it means for a business to change the consumer's experience with a product or service offered by the business." ISOR, p. 38. Deleting the subsection, as the comment suggests, would thus deprive businesses of needed clarity on how to comply with the law.	W102-8	1081

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
– **§ 7025(g)**				
467.	Comments propose revising the regulation to make clear that the opt-opt preference signal covers both "Do Not Sell or Share My Personal Information" and "Limit the Use of My Sensitive Personal Information."	No change has been made in response to these comments. Section 7025 presently applies to the right to opt-out of the sale/sharing of personal information and not the right to limit. As explained in the ISOR, § 7025 does not include the right to limit at this time to reduce the burden on businesses to respond to differing signals, and because no mechanism currently exists to communicate the expression of this right. The Agency prioritized drafting regulations that operationalize and assist in the immediate implementation of the law.	W90-26 W90-27	1012 1012
468.	Comment suggests that retailers would likely not be able to be frictionless because they could not effectuate opt-out signals for offline use cases without more information in § 7025(g)(3). The comment states that this "really undercuts the value of exception [sic] for many businesses."	No change has been made in response to this comment. To the extent the comment appears to raise specific legal questions that would require a fact-specific determination, the commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. To the extent that the comment contends that the regulation "undercuts" certain business's ability to take advantage of the exception, the comment does not provide sufficient specificity to the Agency to make any modifications to the text. As the ISOR explains, the regulation is necessary to ensure that consumers still have a means of understanding and easily exercising their right to opt-out of sale/share when a business sells or shares personal information in an offline manner. Giving businesses the option of not posting the "Do Not Sell My Personal Information" link or alternative opt-out when the opt-out preference signal does not fully address all instances in which a business sells or shares consumer personal information would give consumers a false understanding that their opt-out request is fully processed. Moreover, it would allow businesses to bury their method for opting out of the offline sale and sharing of personal information in their privacy policies. ISOR, pp. 38-39.	W24-33	0236
469.	Comment proposes deleting § 7025(g)(2)(C) because it has unintended consequences of	No change has been made in response to this comment. The comment's interpretation of the regulation is inconsistent with the	W59-62	0616

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	requiring businesses to encourage consumers to adopt opt-out preference signals that will affect those consumers' relationships with all businesses.	regulation's language. The regulation does not require businesses to encourage consumers to do anything. It simply requires businesses to provide consumers with "[i]nformation on how [they] can implement opt-out preference signals for the business to process in a frictionless manner" if they want to meet the requirements of Civil Code § 1798.135(b)(1). § 7025(g)(2)(C).		
§ 7026. Requests to Opt-Out of Sale/Sharing				
– **Comments generally about § 7026**				
470.	Comment seeks to clarify that manual opt-out requests on a website should also be applied universally when a user is known to the company. However, if the company is only tracking on a pseudonymous basis (such as by cookie), it need not collect more information from the user in order to apply the opt-out in other contexts.	No change has been made in response to this comment. The regulation is reasonably clear. To comply with a consumer's request to opt-out, the business must cease selling and/or sharing "*the consumer's personal information*" with third parties. § 7026(f)(1) (emphasis added). Thus, where the consumer's identity is known, the consumer's request will apply to all of the personal information connected to that consumer. When the business is tracking on a pseudonymous basis, the regulations allow, but do not require, the business to collect information that would allow a consumer's request to opt out of the sale or sharing of their personal information to apply more broadly. *See* § 7026(d) ("A business may ask the consumer for information necessary to complete the request, such as information necessary to identify the consumer whose information shall cease to be sold or shared by the business.").	W83-12	0904
471.	Comment supports the language in § 7025(c)(2) stating that companies may optionally ask users if they would like to provide additional information solely to effectuate their opt-out to other contexts where the user is known to the company. The comment suggests that comparable language be added to § 7026 as well.	No change has been made in response to this comment. The regulation is reasonably clear. It provides that a "business may ask the consumer for information necessary to complete the request, such as information necessary to identify the consumer whose information shall cease to be sold or shared by the business." § 7026(d). As explained in the ISOR, "[t]his subsection recognizes that, in some cases, a business may need additional information from a consumer to process a request to opt-out of the sale/sharing, and permits businesses to request additional	W83-14	0904

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		information but only insofar as it is needed." ISOR, p. 41. Amending the regulation as suggested by the comment is thus unnecessary at this time.		
472.	Comment proposes adding express language to § 7026 that allows businesses to deny opt out requests when sale or sharing is authorized by law, exempted, or excepted under the regulations. A consumer cannot opt-out of the sale of personal information collected, processed, sold, or disclosed pursuant to the federal FCRA or GLBA. The proposed revisions to § 7026 do not provide a business with the option to advise consumers of this exemption in response to a request to opt-out. Comment proposes corresponding language so that businesses may respond to consumers identifying the conflict with other laws, exemptions to CCPA, or exceptions to the regulations, similar to businesses responses in requests to know, correct, or delete. This also avoids consumer confusion.	No change has been made in response to these comments. The CCPA's statutory language in Civil Code § 1798.145(d)(1), (2) and § 1798.145(e) is reasonably clear about the scope of each exemption. If an exemption applies, § 7026's requirements would not apply to the information covered by the scope of that exemption. The regulations do not prohibit a business from responding to the consumer about the application of an exemption to the consumer's request. Further analysis is required to determine whether a regulation on this issue is necessary.	W97-26 W97-27	1068 1068
– **§ 7026(a)**				
473.	Comment recommends that for opt-out preference signals, the regulations should be clear and consistent in terms of the statutory design and relevant requirements. For example, the regulations in § 7026(a)(1) should be clear that the obligations to provide two or more designated methods for submitting	Accept in part. Under the modified § 7026(a)(1), the business must process an opt-out preference signal, and, at a minimum, allow consumers to submit requests to opt-out of sale/sharing with an interactive form via the "Do Not Sell or Share My Personal Information" or the Alternative Opt-out Link. However, if the business processes an opt-out preference signal in a frictionless manner, the business is not required to provide an interactive form via the "Do Not Sell or Share My Personal Information" or the	W52-16	0530-0531

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	requests to opt-out of sale/sharing do not apply where a business processes an opt-out preference signal in a frictionless manner. This would ensure consistency with the provisions explaining that processing an opt-out preference signal in a frictionless manner obviates the requirement to post a link. It also would better incentivize businesses to adopt opt-out preference signals.	Alternative Opt-Out Link but must instead provide an interactive form in its privacy policy. This privacy policy requirement aligns with the requirement in § 7011(e)(2)(D) and (e)(3)(C), which requires that if the business sells or shares personal information, then the business's privacy policy must explain the right to opt-out of the sale or sharing of their personal information by the business and how consumers can exercise this right.		
474.	Comment recommends changing "and" to "or" in § 7026(a)(1) to give businesses the choice reflected by Civil Code § 1798.135(a) and (b).	No change has been made in response to this comment. The regulation has been modified to make clear what methods a business must provide for a consumer to submit a request to opt-out of sale/sharing, and thus, portions of this comment are moot. As stated in the modified regulation, businesses must allow consumers to submit requests via an opt-out preference signal, and via an interactive form accessible via the "Do Not Sell or Share My Personal Information" link or the "Alternative Opt-out Link." However, if the business processes an opt-out preference signal in a frictionless manner, the business can instead provide the interactive form via the business's privacy policy. These modifications align with the business's requirements with respect to methods for processing sale/sharing opt-out requests under Civil Code § 1798.135(a)-(b), (e), and the privacy policy requirements in § 7011(e)(2)(D) and (e)(3)(C). No further clarification is needed at this time.	W90-28	1013
475.	Comment proposes modifications to § 7026(a)(1) to align with the plain language of CPRA, which gives businesses the flexibility to honor opt-out of sale or sharing requests and ensures consumers make informed opt-out choices. Comment	No change has been made in response to this comment. The comment's interpretation of the CCPA, and its proposed change, is inconsistent with the language, structure, and intent of the CCPA. The proposed alternative to make the methods of submitting requests optional, rather than mandatory, would not comply with the requirements for businesses in Civil Code § 1798.135(a)-(b), (e).	W28-13	0284-0285, 0287

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	recommends corresponding modifications to § 7026(a)(1) to replace "shall, at a minimum" with "may."	As stated in the modified regulation, businesses must allow consumers to submit requests via an opt-out preference signal, and via an interactive form accessible via the "Do Not Sell or Share My Personal Information" link, the "Alternative Opt-out Link," or the business's privacy policy if the business processes an opt-out preference signal in a frictionless manner. This aligns with the opt-out of sale/sharing requirements for businesses under Civil Code § 1798.135(a)-(b), (e).		
476.	Comment recommends revising § 7026(a)(4) to clarify that the opt-out should also cover sharing of cookies for cross context behavioral advertising as part of the scope of the opt-out. When consumers click "Do Not Share My Personal Information" the results of such a "click" should include also opting-out from cookie sharing for cross-context behavioral advertising.	No change has been made in response to this comment. The regulation is reasonably clear. When a consumer has opted out of the sale and sharing of their personal information, businesses must cease to sell and share that information with third parties, regardless of the form of that sale or sharing. Therefore, if the business shares personal information with third parties via cookies, the business must cease sharing that personal information as well. The Agency has determined that no further clarification is needed at this time.	W1-1	0001
477.	Comments disagree with § 7026(a)(4)'s statement that that cookie banners and controls are not acceptable methods for opt-out. CCPA does not prohibit businesses from placing an opt-out within a cookie banner or notice. Cookies can be a reliable tool to store a consumer's preference, address the sale and sharing of personal information, and ensure that third parties can honor the consumer's preference. Comment also express concern that § 7026 may cause confusion about the use of cookies to communicate a consumer's opt-out preference. Comments want the	No change has been made in response to these comments. The regulation is reasonably clear. As stated in § 7026(a), an acceptable method for submitting requests to opt-out of sale/sharing must address the sale and sharing of personal information. If a business seeks to update its user interface to specifically address the right to opt-out of sale/sharing, the opt-out mechanism in that interface must address the sale and sharing of personal information and comply with the requirements of § 7026 and CCPA for opt-outs. Finally, as stated in the regulation, a cookie banner or cookie control that addresses the collection of personal information and not the sale or sharing of personal information is insufficient under § 7026. The Agency has determined that no further clarification is necessary at this time.	W9-28 W27-6 W40-13 W84-14	0054 0259 0413 0921-0922

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	Agency to confirm that, for § 7026(a)(4), a business may use its existing cookie banner or cookie controls to address the opt-out of sale/sharing by updating the user interface of that banner or control to refer specifically to the right to opt-out of sale/sharing. For many businesses, the only selling/sharing they are participating in is the onward sharing for cross-contextual behavioral advertising. In this case, a cookie banner or similar mechanism may provide the most prominent and familiar means for consumers to opt-out of the sale/sharing of personal information.			
478.	Section 7026(a)(4) appears to state that a "Do Not Sell My Personal Information" link cannot be within a cookie banner. This is a cost that should have been addressed in a SRIA.	No change has been made in response to these comments. For the purposes of its economic analysis the Agency looked to the legal environment that consists of existing California Law as well as other relevant privacy obligations to comprise the baseline economic conditions for the proposed regulations. The analysis contemplated whether the regulation created obligations not found in existing law. A SRIA addresses economic impacts caused by the proposed regulation and should not include the baseline costs associated with existing law or regulations. This comment is an incorrect interpretation of the proposed regulations. *See* Response # 427. The proposed regulations clarify the requirements in existing law, and thus, there is no regulatory cost to address in a SRIA.	W9-28 W13-3	0054 0158
– **§ 7026(d)**				
479.	Comment recommends deletion of language allowing businesses to ask consumers for information necessary to complete an opt-out request. References comment W90-32 on § 7027(e).	No change has been made in response to this comment. The Agency has determined that it is in the consumer's best interest to allow businesses to "ask the consumer for information necessary to complete the request, such as information necessary to identify the consumer whose information shall cease to be sold or shared by	W90-29	1014

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		the business." § 7026(d); *see also* § 7026(c) (providing that a business cannot "require a consumer submitting a request to opt out of sale/share to . . . provide additional information *beyond what is necessary* to direct the business not to sell or share the consumer's personal information" (emphasis added)); ISOR, p. 40 ("[S]eeking additional personal information may deter or encumber consumers seeking to exercise their right to opt-out in violation of section 7004. This regulation applies the internationally recognized fair information practice principle ('FIPP') of data minimization, i.e., to only collect data directly relevant and necessary to accomplish the specified purpose."); *cf.* Response # 436. The business may ask only for information that is necessary. If it can comply with the request without asking for the information, it must do so. § 7026(d). The Agency thus does not agree that businesses are permitted to respond to consumers' opt-out requests "with a barrage of questions that will wear consumers down," as the comment suggests. Moreover, the business may use only "personal information collected from the consumer in connection with the submission of the consumer's opt-out request solely for the purpose of complying with the opt-out request." Civ. Code § 1798.135(c)(6). So, the request must be necessary, and any information obtained can be used only for complying with the request. The Agency will continue to monitor the marketplace and may revisit this topic if necessary.		
– **§ 7026(e)**				
480.	Businesses should be permitted to deny an opt-out preference signal without providing notice and an explanation to the requester where the business has a good-faith, reasonable, and documented belief that the request is fraudulent. Where a business receives a fraudulent opt-out request	No change has been made in response to these comments. Disclosing the reason why the business believes the request is fraudulent provides transparency to the consumer. The regulation appropriately balances empowering consumers to exercise their opt-out right with allowing businesses to deny those requests when they are fraudulent. The comment does not provide any evidence	W81-14 W81-15	0891-0892 0891-0892

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	purely through a preference signal, there may be no practical way for the business to reply with a notice and explanation, such as when bots are used to spam businesses with requests to impersonate consumers.	tending to show that this modification is necessary; nor is the Agency aware of any such evidence.		
– **§ 7026(f)**				
481.	Comments express support for § 7026(f) and/or its subsections and encourages the Agency to leave them unamended.	The Agency appreciates these comments of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required. Lastly, as explained in the FSOR, the Agency made modifications to § 7026(f), and thus, portions of this comment are now moot. *See* FSOR, p. 22.	W27-2 W40-6 O7-1 O9-4 O18-3	0256-0257 0412 D1 25:9-25:18 D1 31:16-31:23 D1 58:4-58:14
482.	Section 7026(f)(4), which requires a means by which the consumer can confirm their request to opt-out of sale/sharing, will increase compliance costs.	Accept in part. This subsection has been revised to make this requirement optional, and thus, this comment is now moot.	W69-53	0775
483.	Section 7026(f)'s requirement to notify third parties does not make sense in the context of cross-context behavioral advertising where the opt-out will be almost instantaneous and occur on a technological level.	No change has been made in response to this comment. Portions of this comment appear to be moot because § 7026(f)(3) has been deleted. In addition, § 7026(f)(2) addresses the concern by the comment, as it only requires notification to third parties to whom the business has sold or shared the consumer's personal information after the consumer submits the request to opt-out of sale/sharing and "before the business complies with that request[.]" As explained in the ISOR, § 7026(f)(2) allows the consumer's request to opt-out of the sale/sharing to functionally operate as if it were complied with upon the business's receipt and also incentivizes businesses to comply with consumers' requests as soon as possible. If a business complies with an opt-out of sharing request near instantaneously, then the business would only be required to notify any third parties of the opt-out request with whom the business may have shared personal information, if any, in the limited time period between the consumer's request and the	W35-21	0374-0375

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		business's near instantaneous compliance with the request. Further analysis is required to determine if a regulation on this issue is necessary.		
484.	Comments suggest that the Agency reduce the time frame in § 7026(f)(1) to a +1 day time-frame for processing opt-out requests, or tie the time period in § 7026(f)(1) that a business has to comply with an opt-out of sale/sharing request to how quickly the business sells/shares the data. If a business can do a process in X minutes/hours/days, it can undo it in the same time frame. The 15-day grace period is not supported in the statute and guts the law.	No change has been made in response to these comments. As explained in the ISOR, the requirement that businesses stop selling and sharing personal information as quickly as feasibly possible and within a maximum time frame of fifteen business days appropriately balances the rights of consumers with the burden on businesses to process opt-out requests. *See* ISOR, p. 41. In addition, this regulation implements the statutory requirement under Civil Code § 1798.135(c)(4) that businesses refrain from using or disclosing sensitive personal information when a consumer exercises their right to limit. Further analysis is required to determine whether a regulation to reduce or change the time frame is necessary.	W90-30 W92-3 W92-4 W101-3 O11-2	1015 1049 1049 1076 D1 39:14-40:17
485.	Section 7026(f)(2) requires a business to notify all third parties to whom the business has sold or shared a consumer's personal information of a consumer's request to optout of sale/sharing and to forward the consumer's opt-out request to "any other person with whom the person has disclosed or shared the personal information" in excess of the requirements of the statute.	No change has been made in response to this comment. As explained in the ISOR, § 7026(f)(2) works together with § 7026(f)(1), which sets the timing by which businesses must respond to a request to opt-out of sale/sharing. To address concerns about the further proliferation of a consumer's personal information who has opt-ed out of the sale/sharing of personal information, the regulation requires that the business ensure that whoever they sold/shared the personal information to prior to complying with the request to opt-out of sale/sharing also comply with the consumer's request. This allows the consumer's request to functionally operate as if it were complied with upon the business's receipt and also incentivizes businesses to comply with consumer requests as soon as possible. *See* ISOR, p. 41. Civil Code § 1798.185(a)(4) provides the Agency with authority to establish rules and procedures to facilitate and govern the submission of a request to opt-out of sale/sharing and to govern business compliance with the consumer's opt-out request. Moreover, this	W25-16	0233

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		regulation simply updates an existing CCPA regulation to harmonize it with CPRA amendments to the CCPA, specifically, the inclusion of "sharing" within the right to opt-out of sale of personal information. This requirement is already in effect as it relates to sales of personal information. *See* § 7026(e).		
486.	Comment recommends clarifying in § 7026(f)(2) to provide that downstream third-party recipients of opt-out requests must stop processing data unless they become a contractor or service provider of the original business.	No change has been made in response to this comment. Civil Code § 1798.135(f) already addresses this requirement. It provides that if a business communicates a consumer's opt-out request to any person authorized by the business to collect personal information, then that person is prohibited from selling or sharing personal information and from retaining, using, or disclosing personal information for the purposes outlined in Civil Code § 1798.135(f)(2). However, the person may use the personal information for a business purpose specified by the business, or as otherwise permitted by CCPA. The Agency has determined that no further modification is necessary at this time.	W83-37	0912
487.	Comment proposes adding language to § 7026(f)(2) that the relevant personal information subject to the notification requirement "is not otherwise exempt from the CCPA or an excepted under these regulations." This prevents § 7026(f)(2) from conflicting with the CCPA exemptions that may apply to the personal information. Otherwise, the regulation will require immediate notification to covered third parties that will later be denied because the information is exempt from CCPA. In addition, the purpose of the 15-day period is to permit covered businesses sufficient time to determine whether it possesses covered consumer information.	No change has been made in response to this comment. The CCPA's statutory language in Civil Code §§ 1798.145(d)(1), (2) and 1798.145(e) are reasonably clear about the scope of each exemption. If an exemption applies, § 7026(f)(2)'s requirements would not apply to the information covered by the scope of that exemption. In addition, commenter's argument that its members would be required to notify covered third parties that a consumer has made an opt-out and then deny the opt-out request (because the members do not sell or share personal information that is subject to CCPA's opt-out requirements) is illogical. If the business does not sell or share any personal information that is subject to CCPA's sale or sharing requirements, it would not need to provide an opt-out of sale/sharing mechanism to consumers, and therefore would not need to notify third parties or use a 15-day period to assess whether it possesses covered information. Lastly, the proposed altnerative is unnecessary because it simply restates that	W97-25	1067

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		CCPA's statutory exemptions may apply, which is already clear from the statute. In addition, the language "and excepted under these regulations" may lead to confusion for businesses and consumers about what the relevant exceptions are, which comment's proposed alternative does not identify.		
488.	Comments on § 7026(f)(2) and (f)(3) argue that downstream notification of opt-out requests to third parties and persons with whom the business has disclosed or shared personal information is operationally or technically challenging or impossible; goes beyond CCPA's statutory requirements; does not align with consumer choices that are specific to one company's ability to transfer data rather than the entire Internet marketplace; and does not conform with the 15-day window to honor opt-out requests. In addition, the CCPA does not require opt-out requests to be forwarded—in contrast to how the treats deletion requests. Further, the requirement to forward a consumer's request to any person with whom the business has disclosed or shared the information does not take into consideration lawful disclosures to service providers, contractors, law enforcement, government agencies, or disclosures to other businesses or individuals pursuant to an explicit request or direction from the consumers to make the disclosure. Comments propose	No change has been made in response to this comment. Section 7026(f)(3) has been deleted, and thus, portions of this comment are now moot. Regarding § 7026(f)(2), this regulation is necessary to ensure that the consumer's opt-out request functionally operates as if it were complied with upon the business's receipt of the opt-out request. *See* ISOR, p. 41. This requirement is consistent with the CCPA's requirements for businesses, which must refrain from selling or sharing personal information after consumers exercise their opt-out right, and for analogous requirements for third parties, which must provide the same level of privacy protection as is required by the CCPA and use the personal information transferred in a manner consistent with the business's obligations under the CCPA. *See* Civ. Code, §§ 1798.135(c)(4), 1798.100(d)(2), and (d)(3). Section 7026(f)(2) is also consistent with Civil Code § 1798.135(f), which requires that a person to whom the business communicates a consumer's opt-out request shall only use that personal information for a business purpose specified by the business, or as otherwise permitted by the CCPA, and shall be prohibited from selling or sharing the personal information, among other requirements. Lastly, the CCPA addresses the lawful disclosures that are implicated by the requirement to forward a consumer's request to other persons. Consistent with Civil Code § 1798.135(f)'s requirements for persons to whom businesses have communicated an opt-out request (and consistent with the requirements that apply to third parties under Civil Code § 1798.100(d)(2) and (d)(3)), a person to whom a third party has made personal information available is prohibited from selling or	W11-1 W11-2 W11-33 W11-34 W11-35 W25-16 W25-17 W25-18 W43-14 W43-15 W44-18 W44-19 W44-20 W44-21 W50-12 W50-13 W52-20 W52-61 W68-16 W68-17 O10-5 O10-6	0141-0142 0142 0149-0150 0149-0150 0149-0150 0244-0245 0244-0245 0245 0440 0440 0456 0456 0456 0456 0502 0502 0532 0553 0752-0753 0752 D1 35:2-35:9 D1 35:10-35:16

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	deleting and/or revising § 7026(f)(2) and (f)(3).	sharing personal information and from retaining, using, or disclosing personal information for the purposes outlined in Civil Code § 1798.135(f)(2). However, the person may use the personal information for a business purpose specified by the business, or as otherwise permitted by the CCPA.		
489.	Comments propose that the requirements in § 7026(f)(2) and 7026(f)(3) to notify third parties of a consumer's opt-out status should apply on a going-forward basis only. The regulation should not require a company to go back to previous transactions by passing the opt-out request to all downstream partners. This is overly burdensome and impractical. In addition, the notification requirement should be limited only to third parties to whom the business has sold or shared personal information, as opposed to § 7026(f)(3)'s requirement to notify all third parties with whom the business makes personal information available. Lastly, the notification requirement should include a disproportionate effort standard, similar to that under the GDPR. Comments propose deleting and/or revising § 7026(f)(2) and 7026(f)(3).	No change has been made in response to these comments. Section 7026(f)(3) has been deleted, and thus, portions of the comments are now moot. Regarding § 7026(f)(2), this regulation is necessary to ensure that the consumer's opt-out request functionally operates as if it were complied with upon the business's receipt of the opt-out request. *See* ISOR, p. 41. The regulation is also reasonably clear that it does not require businesses to apply opt-outs retroactively. As stated in the regulation, businesses must notify third parties to whom the business has sold or shared the consumer's personal information "after the consumer submits the request to opt-out of sale/sharing and before the business complies with that request[.]"	W10-8 W10-9 W10-10 W28-14 W28-15 W28-16 W28-17 W89-10 W89-11	0106, 0118-0119 0106, 0118-0119 0106, 0118-0119 0284-0286 0284-0287 0284-0287 0284-0287 0954 0954-0955
490.	Comments state that § 7026(f)(3) would require retroactive application of do not sell obligations and therefore exceed scope of Agency authority. Comments also state that businesses are not always in a position to push these obligations onto third	No change has been made in response to these comments. Section 7026(f)(3) has been deleted, and thus, the comments are now moot.	W37-15 W37-16 W37-17 W37-18	0392 0392 0392-0393 0392-0393

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	parties, because they are unable to negotiate contractual terms with vendors that comply with the CCPA and contract and notification requirements and there is no guarantee that businesses can obligate third parties to comply. Comment suggests removing or revising the regulation.			
491.	Comments propose modifying § 7026(f)(3) to add language regarding sale or sharing of personal information, add language regarding disproportionate effort, and remove language regarding the requirement to forward requests to other persons.	No change has been made in response to this comment. Section 7026(f)(3) has been deleted, and thus, this comment is now moot.	W24-34 W39-8 W39-9	0236 0408 0408
492.	Comment proposes adding the following language to § 7026(f)(3): "The business shall also instruct all third parties to which it has sold or shared the personal information at issue to cease to sell and/or share the consumer's personal information. Third parties shall comply with the business' instructions to cease to sell and/ or share the consumer's personal information."	No change has been made in response to this comment. Section 7026(f)(3) has been deleted, and thus, this comment is now moot.	W60-40	0641
493.	Section 7026(f)(3) requires businesses to notify third parties of consumers' requests to opt-out of sale/sharing. Claims that CPRA gives businesses the opportunity to communicate requests to third parties but doesn't require it. Also, says that the businesses are not required to delete personal information or sign a service	No change has been made in response to this comment. This subsection has been deleted, and thus, this comment is now moot.	W9-29 W13-3	0054-0055 0158

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	provider agreement, but that they are prohibited from using, sharing, retaining, or disclosing if activities are not in-line with the services provided. Thus, this is a cost that should have been addressed in a SRIA.			
494.	Comment recommends changing § 7026(f)(4) to require business to confirm only those opt-outs made on a web browser, since these opt-outs will be the most common consumer mechanism and confirmation may not always be possible when a consumer makes an in-person opt-out request or makes a request via a different device or VPN.	No change has been made in response to this comment. The proposed regulations have been modified to make it optional for the business to provide a means by which the consumer can confirm that their request to opt-out of sale/sharing has been processed. Accordingly, this comment is now moot.	W66-21	0730-0731
495.	Comments argue that § 7026(f)(4) goes beyond the statutory requirements of the CCPA and is inconsistent with other state laws' requirements. Comments also argue that the requirement is also unnecessary, technologically burdensome, increases compliance costs, is overly prescriptive, causes confusion for consumers and provides them with minimal benefit. It is also contrary to the principles of data minimization. Comments suggest deleting or revising § 7026(f)(4) (and/or § 7027(g)(5)).	No change has been made in response to this comment. The proposed regulations have been modified to make it optional for the business to provide a means by which the consumer can confirm that their request to opt-out of sale/sharing has been processed. Accordingly, these comments are now moot.	W10-11 W10-12 W10-13 W10-14 W28-18 W37-13 W52-50 W53-19 W69-52 W69-53 W69-54 W69-55 W89-12 O19-3	0107 0107, 0119 0107 0107-0108 0284-0287 0391 0545-0546 0565 0775 0775 0775 0775 0955 D1 60:21-61:6
– **§ 7026(i)**				
496.	Section 7026(i) exempts requests made through opt-out preference signals from	No change has been made in response to these comments. For the purposes of its economic analysis the Agency looked to the legal	W9-30 W13-3	0055 0158

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	written authorization requirement for agents. This is a cost that should have been addressed in a SRIA.	environment that consists of existing California Law as well as other relevant privacy obligations to comprise the baseline economic conditions for the proposed regulations. This subsection has not altered the existing process and is thus part of the regulatory baseline. There is no regulatory cost to address in a SRIA.		
497.	Comment objects to § 7026(i) based on purported lack of authority in statute to require written permission for agents for opt-out requests and the regulation's conflict with the spirit of § 7060(b), which states that businesses shall not require a consumer to verify their identity to make a request to opt-out of sales/sharing or requests to limit. Although § 7026(i) includes language to make clear that written permission is not required for opt-out preference signals, § 7026(i)'s statement that consumers provide written permission for authorized agents is unnecessary and muddies the waters.	No change has been made in response to this comment. The Agency has rulemaking authority on consumer opt-out requests made via agents under Civil Code § 1798.135(e). Section 7026(i) appropriately balances flexibility for consumers to use agents to submit requests on their behalf, with ensuring consumer authorization for opt-out requests made via agents. However, the regulation makes clear that the written permission does not apply to requests made by an opt-out preference signal. The Agency will continue to monitor the marketplace and may revisit this topic if necessary.	W90-31	1016
498.	Strike § 7026(i)'s language stating that authorized agents do not need written permission from the consumer for opt-out requests, because it is inconsistent with the goals of consumer autonomy and control to require businesses to respond to requests from potentially rogue agents.	No change has been made in response to these comments. The Agency has rulemaking authority on consumer opt-out requests made via agents under Civil Code § 1798.135(e). As explained in the ISOR, Section 7026(i) explains that requests made by an opt-out preference signal do not require written permission from the consumer. ISOR p. 42. This is necessary to operationalize the right to opt-out of sale/sharing and to explain how opt-out preference signals interact with other parts of the CCPA and these regulations. Id. Section 7026(i) appropriately balances flexibility for consumers to use agents to submit requests on their behalf, with ensuring consumer authorization for opt-out requests made via agents.	W52-29 W52-53	0534 0547

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
499.	Comment appears to suggest that authorized agents should submit more than just the written permission signed by the consumer before the business honors the request to opt-out. Claims that authorized agents could submit requests to every company even if the person is not a customer.	No change has been made because the comment is not directed at any proposed regulation or the rulemaking procedures followed. Also, the Agency has rulemaking authority on consumer opt-out requests made via agents under Civil Code § 1798.135(e). Section 7026(i) appropriately balances flexibility for consumers to use agents to submit requests on their behalf, with ensuring consumer authorization for opt-out requests made via agents. Requiring more than the signed written consent imposes a barrier to consumers taking advantage of their CCPA rights and without any apparent justifiable corresponding benefit to businesses. The Agency will continue to monitor the marketplace and may revisit this topic if necessary.	W24-35	0236
– **§ 7026(j)**				
500.	Comment recommends clarifying that symmetry of choice principles are applicable to Section 7026(j)'s discussion of CCPA opt-outs. It is asymmetrical for firms to ask consumers who have opted out of personal information sharing to opt-in every twelve months if those firms do not also ask consumers who have opted in to personal information sharing whether they wish to opt out every twelve months. It would be symmetrical for firms to either respect any initial consumer choice until the customer affirmatively requests a different choice or to provide every consumer with an annual decision about whether to continue or change their current choice.	No change has been made in response to this comment. The regulation is reasonably clear. It operationalizes the statutory requirement in Civil Code § 1798.135(c)(4), which requires that a business wait at least 12 months from the date of a consumer's request before asking the consumer to consent to the sale or sharing of their personal information. In addition, when a business seeks a consumer's consent, it must comply with the requirements for consent under Civil Code § 1798.140(h) and § 7004, including § 7004's symmetry requirement. The Agency will continue to monitor the marketplace and may revisit this topic if necessary.	W23-9	0225

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
§ 7027. Requests to Limit Use and Disclosure of Sensitive Personal Information				
– **Comment generally about § 7027**				
501.	Amend § 7027 to align with Civil Code § 1798.121(d) exemption to rules for sensitive personal information regarding information that is collected and processed without the purpose of inferring characteristic about a consumer. Clarify (1) when sensitive personal information is considered collected or processed for purposes of this exemption, (2) when sensitive personal information is used to infer characteristics about a consumer, and (3) that the activities in § 7027(m) do not override or nullify the statutory "inferring characteristics" exception to the right to limit. Changes are necessary to avoid potentially subjecting all business to sensitive personal information requirements, avoid undermining consumer choice, and support efforts to combat crime.	Accept in part. Section 7027(a) has been modified and § 7027(m) has been added to clarify that sensitive personal information that is collected or processed without the purpose of inferring characteristics about a consumer is not subject to requests to limit. This change is necessary to align the regulation with Civil Code §§ 1798.121(d) and 1798.185(a)(19)(C)(iv). *See* FSOR, pp. 22-24. The Agency does not agree with comments' rationales for proposed modifications.	W11-1 W11-2 W11-36 W25-19 W28-108 W43-16 W45-22 W52-71 W65-12 W80-8 W87-3 W89-44	0141-0142 0142 0150 0245 0314 0440 0471-0472 0557 0719 0875-0876 0947 0966
502.	Comment asserts that § 7027 (aligned with § 7014 and § 7028) creates an opt-in consent framework, exceeding statute and potentially leading to consent fatigue.	No change has been made in response to this comment. The comment proposes an interpretation of the CCPA that is inconsistent with the statute's language, structure, and intent. Civil Code § 1798.121 provides consumers with the right to direct a business that collects sensitive information to limit its use and disclosure of that information and requires that business to provide notice of that use or disclosure. Civil Code § 1798.121 does not, as the comment asserts, permit the collection or use of sensitive personal information only upon opt-in by the consumer. Section 7027 is consistent with the law. To the extent the comment claims	W30-4 W30-5 W30-6	0332 0332 0332

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		that the regulation takes a different position, the comment misreads the regulation.		
503.	Clarify whether frictionless processing standards in Civil Code § 1798.135(b)(1) also apply to § 7027.	No change has been made in response to this comment. Section 7025 presently applies to the right to opt-out of the sale/sharing of personal information and not the right to limit. As explained in the ISOR, § 7025 does not include the right to limit at this time to reduce the burden on businesses to respond to differing signals, and because no mechanism currently exists to communicate the expression of this right. ISOR, p. 33. It was also to prioritize the Agency's limited resources in promulgating regulations and to allow innovation to occur in new areas required by the CPRA amendments. ISOR, p. 33.	W35-18	0374
504.	Regulations should explicitly carve out processing of sensitive personal information in employee and business-to-business (B2B) contexts from the right to limit. Consumers acting in employee or business-to-business contexts should not be able to limit use of communications sent for the benefit of the business, and processing of this information should be considered a "business purpose."	No change has been made in response to this comment. The Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on this issue is necessary.	W37-28 W37-29	0396 0396
505.	Amend regulation to prohibit companies from using or disclosing sensitive personal information for any purpose with limited exceptions, in order to align with better data minimization practices, move away from "notice-and-choice," and place duty on companies rather than consumers to limit collection and use of sensitive personal information.	No change has been made in response to this comment. Civil Code § 1798.121 requires a business to honor a consumer's request to limit only after a consumer makes the request. Prohibiting businesses from using or disclosing sensitive personal information for any purpose with limited exceptions contravenes Civil Code § 1798.121. Separately, Civil Code § 1798.100(c) already addresses requirements for businesses' collection, use, retention, and sharing of personal information, which includes sensitive personal information. Section 7002 implements that statutory requirement.	W60-8 W60-9 W60-10 W60-41 W60-42 O28-2	0626, 0628-0629 0626-0628 0626-0628 0641 0644 D2 27:15-27:21

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.		
506.	Comment suggests striking or including further detail clarifying the phrase "average consumer," or replacing term with "reasonable consumer."	No change has been made in response to this comment. The phrase "average consumer" in these sections is consistent with Civil Code § 1798.121(a). The Agency has determined no further clarification is needed at this time.	W30-1 W34-9 W85-3 W59-7	0330-0331 0368 0929-0930 0611
– **§ 7027(a), *(l)***				
507.	Comment expresses general support for the regulation's language.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W38-4	0402
508.	Comment suggests clarifying the phrase "average consumer."	No change has been made in response to this comment. The phrase "average consumer" in these sections is consistent with Civil Code § 1798.121(a). The Agency has determined no further clarification is needed at this time.	W85-3	0929-0930
509.	Delete or define a "heightened risk of harm" to consumers as it relates to the use or disclosure of sensitive personal information. It is ambiguous and could be interpreted to create a new liability standard.	No change has been made in response to this comment. The regulation is reasonably clear based on the plain meaning of the words. The Agency has determined that no further clarification is needed at this time.	W35-22 W89-43	0375 0965-0966
– **§ 7027(e)**				
510.	Treat requests to limit use of sensitive personal information according to the same time periods as other consumer rights and provide clear guidelines for how businesses should collect additional information for verifications.	No change has been made in response to this comment. The Agency weighed various comments received and determined that the deadline of no later than 15 business days appropriately balanced the right of consumers to limit at any time with the burden on businesses to process opt-out requests. *See* ISOR, p. 45. In addition, consistent with the CCPA, a business is prohibited from requiring a verifiable consumer request for a request to limit. However, to the extent that additional information is necessary to complete the request to limit, the regulations provide businesses with discretion in how to request that information in a manner that	W48-9	0490

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		best fits their business and customers and provide guidance to that effect. *See* ISOR, p. 44. The proposed alternative is not more effective in furthering the intent and purpose of CCPA. A longer time period for responding to requests to limit is unnecessary, as businesses are not required to verify consumers' identities. In addition, the proposed alternative would create undue burden on consumers' ability to exercise their right to limit.		
511.	Revise regulation to clarify that, where a consumer maintains an account with a business, the business may require the consumer to log into the account to submit a request to limit, in order to guard against increased risk of fraudulent requests.	No change has been made in response to this comment. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope. The CCPA does not require requests to limit to be verifiable consumer requests because the potential harm to consumers from non-verified requests is minimal. *See* ISOR, p. 44. This subsection is in response to observations in the marketplace and comments received by the Agency during preliminary rulemaking activities that some businesses have misused the verifiable request process to impede consumers' exercise of their right to opt-out of sale. *Id.* This subsection recognizes that, in some cases, a business may need additional information from a consumer to process a request to limit, and permits businesses to request additional information but only insofar as it is needed. *Id.* This subsection is necessary to clarify for businesses that they are not to require verification for requests to limit and doing so will be considered an unnecessary impediment to consumers exercising their right in violation of the CCPA and these regulations. *Id.* Lastly, the proposed alternative is not more effective in furthering the intent and purpose of CCPA, as it would create undue burden on consumers' ability to exercise their right to limit.	W51-8	0513-0514
512.	Delete provision allowing a business to "ask the consumer for information necessary to complete the request, such as information necessary to identify the consumer to	No change has been made in response to this comment. This subsection recognizes that, in some cases, a business may need additional information from a consumer to process a request to limit, and permits businesses to request additional information but	W90-32	1017

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	whom the request should be applied" because it may have the effect of discouraging consumers from exercising their right to limit.	only insofar as it is needed. *See* ISOR, p. 44. This subsection is necessary to clarify for businesses that they cannot require verification for requests to limit and doing so will be considered an unnecessary impediment to consumers exercising their right in violation of the CCPA and these regulations. *Id.*		
– **§ 7027(f)**				
513.	Businesses should not be required to disclose that requests were rejected because they were fraudulent, as this may increase privacy and security risks to consumers by making it easier for bad actors to circumvent anti-fraud controls.	No change has been made in response to this comment. This subsection is necessary to prevent harm to both business and consumers. *See* ISOR, p. 45. It imposes a minimal burden on businesses while ensuring that legitimate requests are not denied as potentially fraudulent or abusive without the consumer having the opportunity to learn of the reason for the denial. Further, a business need not describe the entire process for preventing fraud; an explanation that provides the basis for the rejection is sufficient.	W51-10	0514-0515
– **§ 7027(g)**				
514.	Comment expresses general support for § 7027(g)(5).	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required. Lastly, as explained in the FSOR, the Agency made modifications to § 7027(g)(5), now § 7027(h), and thus, portions of this comment are now moot. *See* FSOR, p. 22.	W90-34	1018
515.	Section 7027(g)(5) requires businesses to confirm whether requests to limit have been processed. This is a cost that should have been addressed in a SRIA. Delete or amend provision because maintaining information to notify noncustomers is contrary to principles of data minimization.	Accept in part. This subsection has been revised to make this requirement optional, and thus, this comment is now moot.	W9-33 W13-3 W52-50	0056 0158 0545-0546
516.	Extend 15 business day deadline imposed in § 7027(g)(1) to either (1) 45 days or (2) a period contingent upon how quickly the business is able to sell/share the personal	No change has been made in response to these comments. The Agency weighed various comments received and determined that requiring businesses to cease using and disclosing sensitive personal information as soon as feasibly possible, but no later than	W37-14 W84-15 W90-33 W92-3	0391-0392 0922 1017 1049

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	information. This change is necessary due to (1) the potential difficulty of responding to a request to limit, which is often manually inputted or uploaded by a person and thus compliance requires more human effort, and (2) the 15 business day deadline is not backed by statutory language.	15 business days, appropriately balanced the right of consumers to request to limit at any time with the burden on businesses to process limit requests. *See* ISOR, p. 45. In addition, this regulation implements the statutory requirement under Civil Code § 1798.135(c)(4) that businesses refrain from using or disclosing sensitive personal information when a consumer exercises their right to limit. A 45-day response time is not in the CCPA. By contrast, a requirement to cease using personal information as soon as feasibly possible, but not later than 15 business days, is consistent with both the CCPA and the timeframe that businesses must use for opt-out of sale and sharing requests.	W92-4	1049
517.	Comment asserts that § 7027(g)(1), requiring cessation of the use and disclosure of sensitive personal information for purposes other than those set forth in subsection (m), contradicts § 7027(a) and Civil Code § 1798.121(a)-(b), allowing uses that are "necessary to perform the services or provide the goods reasonably expected by an average consumer who requests such goods or services."	No change has been made in response to this comment. The comment's interpretation of the regulation is inconsistent with the regulation's language. Section 7027(g)(1) requires a business to cease to use or disclose the consumer's sensitive personal information for purposes other than those set forth in subsection (m), including § 7027(m)(1), where the purpose for use or collection is "to perform the services or provide the goods reasonably expected by an average consumer who requests those goods or services."	W11-39	0150
518.	Section 7027(g)(3) requires businesses to notify previously and currently engaged third parties of requests to limit. This is a cost that should have been addressed in a SRIA.	No change has been made in response to these comments. For the purposes of its economic analysis the Agency looked to the legal environment that consists of existing California Law as well as other relevant privacy obligations to comprise the baseline economic conditions for the proposed regulations. The analysis contemplated whether the proposal created obligations not found in existing law. Civil Code § 1798.100(d) mandates that businesses contractually require third parties to whom they sells or shares personal information to provide the same level of privacy protection as is required of businesses by the CCPA and these regulations. Thus, there is no regulatory cost to address in a SRIA.	W9-31 W13-3	0055-0056 0158

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
519.	Section 7027(g)(4) requires that businesses notify currently engaged third parties of requests to delete, despite the fact that the CPRA does not include this requirement, potentially imposing burdens on businesses.	No change has been made in response to this comment. Section 7027(g)(4) has been deleted, and thus, this comment is now moot.	W9-32	0056
– **§ 7027(h)**				
520.	Comments express general support for § 7027(h) permitting a business to present consumers with choices for specific use cases, but asserts that implementing a standard that the single option must be presented more prominently than other choices subverts consumer choice, impedes sharing of information with consumers, contradicts § 7004, and directs unreasonable symmetry in choice architecture.	Accept in part. Section 7027(h), now § 7027(i), has been amended to remove the requirement that the single option to limit the use of personal information be presented more prominently than the other choices.	W69-27 W69-28 W28-102 W28-103 W28-109 W89-45	0769 0769 0314-0315 0315 0314 0966
– **§ 7027(i)**				
521.	Businesses should be permitted to deny requests to limit submitted by an authorized agent if there is a reasonable suspicion that it is a fraudulent request, or the signed permission document was obtained fraudulently.	No change has been made in response to these comments. The regulation is reasonably clear. Section 7027(f) permits a business that has "a good-faith, reasonable, and documented belief that a request to limit is fraudulent" to deny the request, provided the business inform the requestor that it will not comply with the request and provides the requestor an explanation why it believes the request is fraudulent. The Agency has determined that no further clarification needed.	W69-29 W89-46	0769 0966
522.	Delete provision allowing a consumer to use an authorized agent to submit a request to limit only if the consumer provides the authorized agent written permission signed by the consumer	No change has been made in response to this comment. The Agency has rulemaking authority on consumer opt-out requests made via agents under Civil Code § 1798.135(e). Section 7027(i), now § 7027(j), appropriately balances flexibility for consumers to use agents to submit requests on their behalf, with ensuring	W90-35	1018

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	because it conflicts with § 7026(i) opt-out preference signal language and with § 7060(b) prohibition on verifications for requests to opt-out of sale/sharing or requests to limit.	consumer authorization for limit requests made via agents. Section 7027 does not conflict with § 7026, as no opt-out preference signal for requests to limit is yet available and so similar language is not needed at this time. Similarly, it does not conflict with § 7060(b), which addresses verification of consumers' identities, and does not address ensuring that authorized agents are acting pursuant to consumers' authorization. The Agency will continue to monitor the marketplace and may revisit this topic if necessary.		
– **§ 7027*(l)***				
523.	Recommends adding language clarifying that processing of sensitive personal information "shall be reasonably necessary and proportionate to achieve the purpose for which the personal information was collected" to mirror Civil Code § 1798.140(e) for permitted business uses.	Accept. Section 7027*(l)*, now § 7027(m), has been modified to clarify that, for each of the identified purposes, the use and disclosure must still be reasonably necessary and proportionate in accordance with Civil Code §§ 1798.121(a), 1798.100(c), and § 7002. *See* FSOR, p. 23. This change is necessary to implement the requirements in Civil Code § 1798.140(e) for the relevant exceptions for sensitive personal information used or disclosed by the business. *Id.*	W83-38	0912
524.	Amend § 7027*(l)* to reflect that businesses that only use sensitive personal information for the purposes outlined in subsection (m) should not be required to post a notice of the right to limit or to provide a method to submit a request to limit.	Accept in part. Section 7027*(l)*, now § 7027(m), has been modified to clarify that a business that only uses or discloses sensitive personal information for the purposes identified in the regulation, provide that the use or disclosure is reasonable necessary and proportionate for those purposes, is not required to post a Notice of Right to Limit or provide a method for submitting a request to limit.	W84-16	0922
525.	Regulation defines permitted security-related uses that do not trigger the right to limit more narrowly than does the statute, and the Agency should modify regulations to track language in Civil Code § 1798.140(e)(2).	Accept in part. Section 7027*(l)*(2), now § 7027(m)(2), has been modified to clarify that sensitive personal information may be used to "prevent" and "investigate" security incidents, in addition to "detecting" them. *See* FSOR, p. 23. The Agency does not agree that § 7027(m)(2) is narrower than the CCPA.	W63-40 W63-41 W63-42	0703 0703-0704 0704

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
526.	Clarify that use of sensitive personal information in research is a "reasonably expected" use.	No change has been made in response to this comment. The comment appears to raise specific legal questions that would require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W5-8	0025
527.	Comments contend that § 7027*(l)* contravenes Civil Code § 1798.121(a)-(b) and should be revised and expanded to resolve inconsistencies with statute because regulation doesn't exempt, for example, uses of sensitive personal information (1) to comply with legal or regulatory obligations, (2) relating to use of employee information, (3) preventing fraud or ensure fairness in testing, (4) where the covered business can use its reasonable discretion to use sensitive data.	No change has been made in response to these comments. The permissible purposes in § 7027*(l)*, now § 7027(m), are identified by Civil Code § 1798.121(a). The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope in the manner in which the comment recommends. Concerning a business's compliance with legal or regulatory obligations, the CCPA already addresses this issue, as the obligations imposed on businesses by the CCPA shall not restrict a business's ability to comply with federal, state, or local laws or comply with a court order or subpoena to provide information. Civ. Code § 1798.145(a)(1). Concerning the use of employee information, the Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on this issue is necessary.	W11-1 W11-2 W11-37 W20-41 W20-42 W25-20 W25-21 W25-22 W25-23 W25-24 W43-17 W45-19 W45-20 W45-21 W52-72 W97-28 W97-29	0141-0142 0142 0150 0213 0213 0245 0246 0246 0246 0246 0440 0471 0471 0471 0557 1068-1069 1069
528.	Amend regulation to refer to list of permissible purposes instead as "examples" and revise interpretation of the statute to an opt-out framework to (1) align with intent of statute, (2) give businesses flexibility for using different types of data and working with service providers, and (3) avoid consumer consent fatigue.	No change has been made in response to these comments. The permissible purposes in § 7027(m) are identified by Civil Code § 1798.121(a). The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W30-3 W30-6	0332-0333 0332-0333
529.	The Agency should use discretion in applying § 7027*(l)* limitations to insurance	No change has been made in response to this comment. The comment does not provide sufficient specificity to the Agency to	W65-13	0719

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	operations concerning underwriting, fraud detection, and claims.	make any modifications to the text. It appears to be an observation rather than a specific object or recommendation regarding the regulation. Moreover, whether a given use or disclosure of sensitive personal information falls within any of the exceptions in § 7027*(l)*, now § 7027(m), is a fact-specific determination. The Agency cannot create an industry-wide exemption to the requirements in Civil Code § 1798.121 that impairs the scope of CCPA.		
530.	Recommends applying § 7027*(l)* exceptions to § 7026.	No change has been made in response to this comment. The purposes in § 7027*(l)*, now § 7027(m), for which a business may use or disclose sensitive personal information without being required to offer consumers a right to limit are identified in Civil Code § 1798.121(a), which pertains to the consumers' right to limit use and disclosure of sensitive personal information, not to a consumers' right to opt out of sale/sharing. The Agency cannot implement regulations that alter or amend the statute or enlarge or impair its scope.	W76-3	0835-0836
531.	Clarify whether or not the use of precise geolocation information for the purpose of advertising is presumed to be "reasonably expected."	No change has been made in response to this comment. The comment appears to raise specific legal questions that would require a fact-specific determination and is therefore irrelevant to the proposed rulemaking action. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W102-9	1081-1082
– **§ 7027*(l)*(1)**				
532.	Amend § 7027*(l)*(1) to state "by an average consumer who requests such goods or services *to the customer who requests the goods or services whose sensitive personal information is being used or disclosed.*" (Emphasis added).	No change has been made in response to this comment. The purpose enumerated by § 7027*(l)*(1), now § 7027(m)(1), is consistent with Civil Code § 1798.121(a), which provides the consumer with the right to direct a business to "limit its use of the consumer's sensitive personal information to that use which is necessary to perform the services or provide the goods reasonably expected by an average consumer who requests such goods or	W60-43	0644

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		services[.]" The Agency has determined that no further clarification is needed at this time.		
– **§ 7027*(l)*(3)**				
533.	Delete "directed at the business" from § 7027*(l)*(3) because (1) language assumes a business can know that fraudulent activities are directed at it; (2) the Agency should promote transparency and cooperation with law enforcement; (3) limiting ability of a business to disclose sensitive personal information in this way imposes unnecessary constraints; (4) it also potentially prevents them from proactively stopping crime; and (5) the CCPA provides for a broader exception. This exception should be broader to allow businesses to use sensitive personal information for fraud prevention and detection services for third parties, such as business customers.	No change has been made in response to these comments. The language "directed at the business" in § 7027*(l)*(3), now § 7027(m)(3), clarifies that businesses cannot use this exception in a broad manner for actions that have nothing to do with the business. Civil Code §§ 1798.121(a) and 1798.140(e)(2) permit the use and disclosure of sensitive personal information for "[h]elping to ensure security and integrity to the extent of the use of the consumer's personal information is reasonably necessary and proportionate for these purposes." "Security and integrity" is further defined by Civil Code § 1798.140(ac)(1) to include the ability of a business to (1) detect security incidents that compromise the availability, authenticity, integrity, and confidentiality of stored or transmitted personal information; (2) resist malicious, deceptive, fraudulent, or illegal actions; and (3) help prosecute those responsible for those wrongful actions. The statute does not include an exception for fraud prevention and detection services for third parties. In addition, the CCPA already addresses law enforcement and crime prevention, as Civil Code § 1798.145(a)(3) states that CCPA obligations shall not restrict a business's ability to cooperate with law enforcement agencies concerning conduct or activity that the business reasonably and in good faith believes may violate federal, state, or local law. Similarly, Civil Code § 1798.145 also provides other exceptions that prevent unnecessary constraints on businesses. Whether a business's use of sensitive personal information falls within any of these exceptions is a fact-specific determination. The Agency has determined that no modification is needed at this time.	W28-104 W28-105 W28-106 W28-107 W30-7 W69-30 W72-14	0314-0315 0315 0315 0315 0332-0333 0769 0802

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
– **§ 7027*(l)*(4)**				
534.	Limit § 7027*(l)*(4) exception to those situations where it is necessary to "prevent an individual, or a group of individuals, from suffering harm where the business believes in good faith that the individual, or group of individuals, is at risk of death, serious physical injury, or other serious health risk" and limit illustrative example to only allow disclosure to "locate the victim of an alleged kidnapping to prevent death or serious physical injury."	No change has been made in response to this comment. The purpose enumerated by § 7027*(l)*(4), now § 7027(m)(4), is consistent with Civil Code § 1798.121(a), which states that a business purpose is "helping to ensure security and integrity to the extent the use of the consumer's personal information is reasonably necessary and proportionate for these purposes." "Security and integrity" is further defined by Civil Code § 1798.140(ac)(1) to include the ability of a business to ensure the physical safety of natural persons. The regulation implements this exception accordingly. The Agency has determined that no modification is needed at this time.	W60-44	0644-0645
– **§ 7027*(l)*(5)**				
535.	Revise § 7027*(l)*(5) example to avoid potential ambiguity introduced by language illustrating that a business that sells religious books can use information about its customers' religious beliefs for contextual advertising.	Accept. The example in § 7027*(l)*(5), now § 7027(m)(5), has been modified to illustrate more precisely how a business can use sensitive personal information in short-term, transient ways, provided that the personal information is not disclosed to another third party or used to build profiles about the consumer. *See* FSOR, p. 23.	W83-39	0912
– **§ 7027*(l)*(7)**				
536.	Amend § 7027*(l)*(7)'s reference to "service or device" to "product, service, or device" to clarify that data may be used to ensure consumer safety and product quality.	Accept. Section § 7027*(l)*(7), now § 7027(m)(7) has been modified to include the word "product" to clarify that a service or device may also be characterized as a "product."	W48-10	0491
537.	Limit § 7027*(l)*(7) exception to those situations where "the service or device being maintained, repaired, or enhanced was the purpose for which the sensitive data was being collected."	No change has been made in response to this comment. The purpose enumerated by § 7027*(l)*(7), now § 7027(m)(7), implements Civil Code §§ 1798.121(a) and 1798.140(e)(8), which permit the use and collection of sensitive personal information for the referenced purpose. The Agency has determined that no modification is needed at this time.	W60-45	0645

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
§ 7028. Requests to Opt-In After Opting-Out of the Sale or Sharing of Personal Information				
– **Comments generally about § 7028**				
538.	Section 7028(a) requires a two-step process for opting in after opting out of sale/sharing or use/disclosure of sensitive personal information. This is a cost that should have been addressed in a SRIA.	Accept in part. This subsection has been revised to no longer apply to requests to limit, and thus, these comments are now moot.	W9-34 W13-3	0057 0158
539.	Revise § 7028(c) to indicate that consent is required only if the business seeks to use sensitive personal information for a purpose that is not covered by § 7027(l). Section 7028(c) is confusing as written. There should not be a situation where a consumer requests a service that requires sensitive personal information for a purpose not covered by § 7027(l).	No change has been made in response to this comment. This subsection has been deleted, and thus, this comment is now moot.	W48-11	0491
540.	Section 7028(c) can be interpreted to mean that a consumer gains certain rights simply because they have exercised their right to limit. However, the CCPA provides exemptions for certain information, and consumers have no rights with respect to exempt information. Comment proposes corresponding modifications.	No change has been made in response to this comment. This subsection has been deleted, and thus, this comment is now moot.	W97-30	1069
541.	The reference to "subsection (l)" in § 7028(c) is incomplete. Comment proposes adding "subsection 7027(l)" instead.	No change has been made in response to this comment. This subsection has been deleted, and thus, this comment is now moot.	W78-17	0862

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
§ 7031 – Requests to Know or Delete Household Information				
– **Comments generally about § 7031**				
542.	Comment expresses concern about deletion of this section on households. States that it is unclear how businesses would be expected to process household information requests, and whether businesses could deny such requests if they are unable to perform these reasonable checks to ensure the privacy of household members.	No change has been made in response to this comment. The regulation has been deleted because Civil Code § 1798.145(p) states that requests to know and requests to delete do not apply to household data. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W72-15	0802
ARTICLE 4. SERVICE PROVIDERS, CONTRACTS, AND THIRD PARTIES				
– **Comments generally about Article 4**				
543.	Comment appears to support that the proposed regulations require written contracts with baseline requirements for service providers, contractors, and third parties, because they are similar to its own criteria that "main data controller has strong and appropriate contractual management over all data processors and data co-controllers."	The Agency appreciates this comment of support. No change has been made in response to this comment. The Agency makes no statement regarding the ISL framework.	W58-16	0604
544.	Comment appears to support the proposed regulations because they "prohibit the use, disclosure, or retention of personal information obtained while providing services for any purpose unless an exception applies," subject to "exceptions listed in" Civil Code § 1798.145(a)(1)-(7).	No change has been made in response to this comment. Because the comment appears to support the proposed regulation, no further response is required. The Agency does not comment with regard to the comment's reasoning. The Agency makes no statement regarding the ISL framework.	W58-15	0604
545.	Commenters propose various revisions to clarify when service providers and	No change has been made in response to these comments, but the Agency has revised § 7050(b)(4) and (5), now § 7050(a)(3) and (4),	W5-1 W17-13	0022-0023 0182-0183

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	contractors may combine, update, retain, or use personal information. Comments suggest modifying § 7050(b)(4) to permit service providers and contractors to use personal information to (1) develop or improve services, including new product and service lines; (2) build consumer profiles to use in providing services to another business and correct and augment data acquired from another source (for example, for data hygiene); and (3) create aggregated or deidentified data from the personal information. One comment suggests adding an exception for use of the information for a business purpose that is disclosed in the business's privacy policy, disclosed to consumers when fulfilling a request to know, and disclosed in the contract with the service provider or contractor. Another comment suggests clarifying that the prohibition on combining or updating personal information does not apply once personal information is aggregated. Another comment suggests clarifying that service providers and contractors may combine or update personal information received from, or on behalf of, the business for the same business purposes for which they may use personal information. One comment contends that § 7051(a)(5) limits security service providers' ability to provide	to provide additional clarity. Commenters' proposed revisions to expand permissions for service providers and contractors to combine, use, and retain personal information rely upon interpretations of the CCPA that are inconsistent with the language, structure, and intent of the CCPA. The CCPA prohibits service providers and contractors from retaining, using, or disclosing the personal information for any purpose other than for the business purposes specified in the contract, including for a commercial purpose other than the business purposes specified in the contract, and prohibits them from using the personal information outside of the direct business relationship between them and the business. *See* Civ. Code § 1798.140(j)(1)(A)(ii)- (iii); *id.* § 1798.140(ag)(1)(B)-(C). The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope. To the extent the comments urge the Agency to further define and add to the business purposes for which service providers or contractors may use consumers' personal information pursuant to its authority under Civil Code § 1798.185(a)(10), the Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether such regulations are necessary. Commenters' proposed revisions to § 7051(a)(5) are not necessary and would not be more effective in carrying out the purpose and intent of the CCPA. Subsection 7051(a)(5) includes the clause "unless expressly permitted by the CCPA or these regulations," and, as explained in the FSOR, § 7050(a)(3) and (4) identify the purposes for which a service provider or contractor may retain, use, and disclose personal information received in connection with their role as a service provider or contractor even if they are not specified in the contract with the business. Those purposes include building or improving the quality of the services the service provider or contractor is providing to the business; preventing, detecting, or	W28-52 W30-21 W37-9 W37-20 W49-1 W49-2 W56-3 W68-18 W60-12 W75-20 W75-21 W78-21 W82-3 W82-4 W82-5 O28-4	0299, 0302 0338-0339 0389-0390 0393-0394 0494-0495 0495 0587-0588 0754 0629 0825-0826 0825-0826 0865-0866 0895 0895 0895 D2 28:14-28:20

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	effective services because they need to combine personal information from various sources to improve and better protect customers and consumers and conflicts with CCPA's "reasonable security" requirements because many businesses use security service providers. Another comment suggests modifying the example in § 7051(a)(5) to clarify that a service provider or contractor can provide advertising and marketing services to a business, subject to the restrictions in Civil Code § 1798.140(e)(6). Another comment states that schools and educational organizations rely upon combining personal information from multiple sources to improve their educational services and that it is the inferences from combined information (and consumers' limited insight into the use or disclosure of them), not the combination itself, that poses risk. Another comment suggests permitting service providers and contractors to combine personal information from different sources and use it to provide services like analytics, including frequency capping and sequencing functions, which rely upon the use of a common data point like IP address. Another comment notes that "audience measurement" requires combining data and that other privacy laws and draft federal legislation exempt it from their	investigating data security incidents; and protecting against malicious, deceptive, fraudulent, or illegal activity. The examples in § 7050(a) clarify what is and is not an appropriate use of personal information that would advance the commercial purposes of the service provider or contractor rather than the business purpose of the business. *See* ISOR, p. 49. Subsection 7050(b) explains Civil Code § 1798.140(e)(6) and provides an illustrative example. *See* ISOR, p. 49; Response # 592. The comment's suggestion to clarify "unless expressly permitted by the CCPA or these regulations" is unnecessary. As explained above, the CCPA and the revised regulations are reasonably clear regarding the situations in which service providers and contractors may combine, update, retain, or use personal information. Moreover, the regulation provides general guidance for CCPA compliance and is meant to apply to a wide range of factual situations. Regarding the comments raising specific factual situations, they appear to raise specific legal questions that would require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. Further, the Agency notes that the CCPA defines "personal information" to include inferences, but not aggregate consumer information. Civ. Code § 1798.140(v)(1)(K), (v)(3). It also defines "business purpose" to include auditing related to counting ad impressions and does not restrict businesses' ability to comply with federal, state, or local laws. Civ. Code §§ 1798.140(e)(1), 1798.145(a)(1).		

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	definitions of targeted advertising. Other comments suggest clarifying the specific circumstances in which the phrase "unless expressly permitted by the CCPA or these regulations" applies, including that they refer to the exceptions in § 7050(b)(1-4).			
546.	Clarify whether a person could act as both a business and a service provider with respect to the same personal data.	No change has been made in response to these comments. The regulation is reasonably clear based upon the plain meaning of the words. For example, § 7050(d) states that a "service provider or contractor that is a business shall comply with the CCPA and these regulations with regard to any personal information that it collects, maintains, or sells outside of its role as a service provider or contractor." In addition, as explained in the FSOR, the Agency has modified the language in §§ 7050 and 7051 (for example, to use the phrase "Collected pursuant to the written contract with the business"). FSOR, pp. 24-29. This acknowledges situations in which a service provider or contractor may have collected personal information when acting in a different capacity (for example, as a business or as a third party).	W11-40 W11-41 W11-45	0151 0151 0152
547.	Clarify whether explicit consent from a consumer could make restrictions on the use of personal information originally obtained in the service provider context moot.	No change has been made in response to these comments. The regulation is reasonably clear based upon the plain meaning of the words. The CCPA prohibits service providers and contractors from retaining, using, or disclosing the personal information for any purpose other than for the business purposes specified in the contract, including for a commercial purpose other than the business purposes specified in the contract. *See* Civ. Code § 1798.140(j)(1)(A)(ii); *id.* § 1798.140(ag)(1)(B). The regulations are consistent with these provisions and do not permit a service provider to use personal information collected pursuant to its written contract with the business for its own purposes, except as permitted by CCPA and the regulations. *See*, *e.g.,* § 7051(a)(3), (4).	W11-40 W11-41 W11-46	0151 0151 0152

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
548.	Comments object to §§ 7052(c), 7053(a)(3), (b) requiring businesses to contractually obligate third parties with whom they sells or shares consumers' personal information to comply with consumer requests to delete or opt out of sale/sharing, because: (1) § 7052(c) requires third parties to recognize and respect opt out preference signals; (2) "testing organizations generally [do not] have any reason to provide sensitive personal information to third parties, where the 'flow-down' privacy requirements of Section 7053 would come into play," so the requirements unnecessarily burden businesses; and (3) it's nearly impossible for testing organizations to effectuate the requirements, because they lack leverage over many third parties. Revise the regulations to directly address third parties' misuse of personal information. One comment notes that most testing organizations "only use analytics providers to better operate their test delivery platforms and for website operations" and "may provide links to their own social media pages" but "do not intend for these third parties to use personal information for their own purposes" such as targeted advertising or marketing for the third parties or their other customers. Other comments object to § 7053(b)'s requiring	No change has been made in response to these comments. Sections 7052 and 7053(b) have been deleted, and thus, the comment is moot with respect to those subsections. With respect to § 7053(a)(3), Civil Code § 1798.100(d)(2) and (3) require that a business that collects a consumer's personal information and sells it to, or shares it with, a third party enter into an agreement with the third party that requires the third party "to comply with applicable obligations under this title and . . . provide the same level of privacy protection as is required by this title," and grants the business "rights to take reasonable and appropriate steps to help ensure that the third party . . . uses the personal information transferred in a manner consistent with the business' obligations under this title." The example in § 7053(a)(3)—of the contract requiring a third party to comply with a consumer's request to opt out of sale/sharing—is consistent with these statutory requirements. As explained in the ISOR, § 7053(a)(3) clarifies that the third party must comply with applicable sections of the CCPA and these regulations and provides examples of what that would include. ISOR, p. 54. Commenter's suggestion to revise the regulation to address only third parties' misuse of personal information is inconsistent with the law and not more effective in carrying out the purpose and intent of the CCPA. As noted above, the CCPA requires the *business* to contractually bind the third party and grant itself rights to take reasonable and appropriate steps to ensure that the third party complies with its obligations. Such a revision would also lessen the protections for consumers and would not support the Agency's mandate to vigorously enforce the law. Moreover, § 7052(a) and (b) already directly addresses third parties' collection and use of personal information in a manner that contradicts their contractual obligations.	W11-40 W11-41 W11-43 W11-44 W20-45 W20-46 W46-8	0151 0151 0152 0152 0213-0214 0214 0481

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	third parties that are authorized to collect personal information from consumers through a business's website to check for and comply with a consumer's opt out preference signal to not sell or share their personal information, and contend that the requirement should be tabled until uniform opt-out global privacy control is adopted, because it places administrative burdens on businesses, and implementation will be difficult to enforce due to a lack of consistency across customers and the current state of technology and interoperability.			
549.	The regulations' contractual requirements related to the deadlines for providing notice of inability to comply should be revised, because they create compliance burdens that will not substantially increase privacy protections.	No change has been made in response to these comments. Subsections 7051(a)(8) and 7053(a)(6) have been revised to delete the reference to five days for other reasons, and thus these comments are now moot.	W10-18 W10-19	0109-0110, 0119 0109-0111
550.	The regulations should not contain overly prescriptive requirements for contracts with third parties.	No change has been made in response these comments. Sections 7052 and 7053 are the sections of Article 4 that pertain to third parties. The portions of § 7052 these comments refer to have been deleted, and thus, the comments are moot with respect to § 7052. With respect to § 7053, CCPA sets forth the requirements for contracts with third parties. *See*, *e.g.*, Civ. Code §§ 1798.100(d), 1798.115, 1798.135(f). As set forth in the ISOR, the purpose of § 7053 is to clearly set forth all the provisions that must be included in a third party's contract with the business, to explain the consequence if the provisions are not included in the contract, and to clarify the duties of the third party and the business as it relates to the contract. This helps businesses and third parties understand	W10-18 W10-19	0109-0110, 0119 0109-0111

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		what is required of them, which helps to ensure their compliance with the CCPA. ISOR, p. 53.		
551.	Sections 7050-7053 should be revised because they create onerous or duplicative compliance burdens when overseeing service providers, contractors, and third parties that will not substantially increase privacy protections or benefit consumers.	No change has been made in response these comments. The CCPA imposes requirements and restrictions upon businesses, service providers, contractors, and third parties in several different places. *See*, *e.g.*, Civ. Code §§ 1798.100(d), 1798.105(c), 1798.121(c), 1798.130(a), 1798.135(f), 1798.140(ag)(1), (j)(1)(A). The regulations consolidate and reorganize the requirements and restrictions, explain the consequence if the provisions are not included, and clarify the duties of a service provider, contractor, third party, and business as it relates to the contract. This helps businesses, service providers, contractors, and third parties understand what is required of them and helps ensure their compliance with the CCPA, which ultimately benefits consumers. *See* ISOR, pp. 48, 50-51, 52, 53. To the extent that the comment applies to § 7052, it has been deleted, and thus, the comment is moot.	W10-18 W10-19 W28-50	0109-0110, 0119 0109-0111 0302
552.	Delete the requirements in § 7051(a) to list the specific business purpose(s) and service(s), and delete § 7050(b)(2)'s restriction on service providers' and contractors' retention, use, and disclosure of personal information to only the "specific" business purpose(s) and service(s) set forth in their written contract with the business, because the requirements and restrictions are (1) overly prescriptive, (2) not in the statute, and (3) the requirement to list authorized and prohibited purposes in the same section is burdensome for businesses that use standardized contracts.	No change has been made in response to these comments. The Agency has deleted the last sentence from § 7051(a)(3), and thus, the comments about § 7051(a)(3) are now moot. As to the remaining issues, the Agency does not agree that the requirements of § 7051 are overly prescriptive or exceed the statute's authority. As explained in the FSOR, § 7051 lists out all the requirements that must be included in a service provider's or contractor's contract so that it can be used as a checklist to ensure that all the statutorily required information is included in the contract. Each requirement is based in the statute. The CCPA requires the agreement between a business and a service provider or contractor to specify that the personal information is sold or disclosed by the business "only for limited and specified purposes," and to prohibit the service provider or contractor from retaining, using, or disclosing it for any purpose other than for the business purposes specified in the contract. *See* Civ. Code §§ 1798.100(d)(1), 1798.140(j)(1)(A)(ii) and	W10-18 W28-55 W28-56 W28-57 W28-67 W68-18 W89-17	0109-0110, 0119 0300-0301, 0303 0300-0301, 0303 0303 0299 0754 0957

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		(ag)(1)(B). The regulation is consistent with and implements those requirements.		
553.	Comments recommend deleting or modifying all or parts of §§ 7050, 7051 and 7053, including §§ 7051(a)(2) and 7053(a)(1)-(2), because they are: (1) extremely prescriptive, distract from substantive compliance, and unreasonably limit contracting flexibility, (2) create an onerous compliance burden, especially for companies with thousands of vendors or for small business, because they require companies to update agreements and prohibit master agreements; (3) offer little to no corresponding protection for consumers; and (4) exceed the terms contemplated by the statute. Another comment notes that neither the GDPR nor other state laws require contracts to include a prohibition against using information for other purposes. Another comment seeks clarification regarding the level of specificity required in written contracts between businesses and service providers.	No change has been made in response to these comments. The CCPA sets forth requirements for agreements between businesses and third parties, service providers, or contractors (*see*, *e.g.*, Civ. Code §§ 1798.100(d), 1798.140(ag)(1), (j)(1)(A)), and other requirements and obligations pertaining to businesses, service providers, contractors, and third parties (*see*, *e.g.*, Civ. Code §§ 1798.105(c), 1798.121(c), 1798.130(a), 1798.135(f)). The regulations are consistent with and implement these requirements and are reasonably clear based on the plain meaning of the words. As set forth in the ISOR, the purposes of §§ 7051 and 7053 are to consolidate all the provisions that the CCPA requires be included in a business's contract with its service provider or contractor or third party, which are listed in several different places throughout the CCPA; explain the consequence if those provisions are not included; and clarify the duties of a service provider, contractor, third party, and business as it relates to the contract. ISOR, pp. 50-51, 53. These sections help businesses, service providers, contractors, and third parties understand what is required of them and helps ensure their compliance with the CCPA, which ultimately benefits consumers. Regarding §§ 7051(a)(2) and 7053(a)(1)-(2), Civil Code § 1798.100(d)(1) explicitly requires the agreement to specify that the personal information is sold or disclosed by the business "only for limited and *specified* purposes" (emphasis added). *See* also Civ. Code § 1798.140(j)(1), (ag)(1) (prohibiting a service provider and contractor from "retaining, using, or disclosing the personal information for any purpose other than for the business purposes *specified* in the contract for the business") (emphasis added). As explained in the ISOR, §§ 7051(a)(2) and 7053(a)(1)(2) are necessary to address observations in the marketplace and comments received by the Agency during preliminary rulemaking	W9-36 W10-18 W11-51 W17-9 W17-11 W20-44 W24-36 W25-25 W28-55 W28-58 W43-19 W43-22 W45-23 W48-13 W52-5 W52-6 W52-9 W52-10 W52-36 W52-37 W61-12 W63-20 W63-21 W65-17 W68-18 W69-16 W69-20 W69-24 W75-22	0057-0058 0109, 0119 0153 0180 0181-0182 0213 0237 0246 0300-0301, 0303 0303 0441 0441 0472 0491 0527-0528 0528 0528-0529 0529 0538 0539 0651 0693-0694 0694 0720 0753-0757 0766 0767 0768 0826

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		activities that businesses' contracts do not clearly identify the business purpose for which the service provider is processing personal information. ISOR, pp. 51, 54. Moreover, businesses clearly articulating in their agreements the limited and specified purpose(s) for which they are disclosing personal information and that they are disclosing only for those limited and specified purposes, provides clarity to the parties to the agreement. This helps each entity understand what is required of it, which aids compliance and therefore benefits consumers. The Agency has made efforts to limit the burden of the regulations and has determined that the regulations are necessary to implement the CCPA and carry out its purpose and intent. The comments' proposed deletion of, or amendments to, the requirements in §§ 7051(a)(2) and 7053(a)(1)-(2) would conflict with the underlying statute, as explained above. Regarding the comments' objection to the regulation because it deviates from other states' laws or the GDPR, the Agency seeks to harmonize with other privacy laws, but only to the extent that doing so is consistent with, and furthers the intent and purposes of, the CCPA.	W82-1 W82-2 W86-10 W89-21 W102-16	0894-0895 0894-0895 0940 0958 1083-1084
554.	Comments contend that the Agency lacks authority to reclassify entities that are servicing other entities that are not businesses as "service providers" or "contractors." Comments support not holding service providers responsible for fulfilling consumer rights requests made to a non-profit or a for-profit entity that does not meet the definition of a "business," and recommends replacing §§ 7050(a) and 7051(c) with proposed language.	No change has been made in response to these comments. Subsection 7050(a) has been deleted, and thus, the comments are moot with respect to § 7050(a). Subsection 7051(c) has been moved, and is now § 7050(e). To the extent the comments object to renumbered § 7050(e), no change has been made for the reasons discussed in Response # 608.	W33-10 W33-11	0358-0359 0359
555.	Comments propose various temporary exemptions for certain contracts (e.g., a	No change has been made in response to these comments.	W41-18 W48-14	0423 0492

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	three-month exemption for new service-provider contracts, a six-month exemption for new third-party contracts, and a one-year exemption for existing service provider contracts executed in compliance with current regulations), because (1) entities are under pressure to modify or re-establish contracts for 2023, and potential terms stem from proposed regulations, which will determine whether they may continue operating as "service providers"; (2) revising contracts is time-consuming; and (3) having to expedite their completion could significantly burden businesses. Another comment recommends adding a "grandfather clause" for contracts entered into based on the original CCPA statute, because revising service-provider contracts is burdensome. Another comment guesses that businesses have halted compliance efforts because the proposed regulation "provided its own list of what is required" but have not been finalized, and "nobody knows what the requirements will be in the final regulations."	The CCPA sets forth requirements for agreements between businesses and service providers or contractors. *See*, *e.g.*, Civ. Code §§ 1798.100(d), 1798.140(j)(1)(A)(ii), (ag)(1)(B). As explained in the ISOR, the purpose of § 7051 is to consolidate all the provisions that the CCPA requires in a business's contract with its service provider or contractor, which are listed in several different places throughout the CCPA; explain the consequence if those provisions are not included; and clarify the duties of a service provider, contractor, and business as it relates to the contract. ISOR, pp. 50-53. Section 7051(c), now § 7050(e), explains the consequence of not complying with the CCPA in having the requisite contract in place. It is consistent with the CCPA definitions of "contractor" and "service provider," which explicitly require them to have agreements in place that meet statutory requirements. *See* Civ. Code § 1798.140(j), (ag). If a person does not have an agreement in place that meets the requirements set forth in Civil Code § 1798.140(j), (ag), that person cannot, by definition, be a contractor or service provider. They are a "third party," according to Civil Code § 1798.140(ai), and thus, a business's disclosure of personal information to that third party may be considered a "sale" or "sharing" of personal information for which the business must provide the consumer a right to opt-out of sale/sharing. *See* Civ. Code § 1798.140(ad), (ah). The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope. Whether a business has in fact "sold" or "shared" personal information requires a fact-specific determination, hence, the use of the word "may" within the regulation. The Agency has considered and determined that delaying the implementation of these regulations, or exempting certain persons from having to comply with them, is not more effective in carrying out the purpose and intent of the CCPA, including providing clear guidance to businesses about their responsibilities. Although the proposed	W71-1 W71-9 W102-12 W102-16	0791 0794 1083 1083-1084

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		regulations are not yet final and have been subject to public comment and amendments, businesses have been aware of the proposed regulations' general contours since July 8, 2022, when they were released. The Agency may exercise prosecutorial discretion if warranted, depending on the particular facts at issue. Prosecutorial discretion permits the Agency to choose which entities to investigate and whether to initiate an administrative action. How the Agency decides to exercise its enforcement authority is a context-specific, fact-specific, discretionary decision. Proposed regulation § 7301(b) recognizes that, as part of the Agency's decision to pursue investigations of possible or alleged violations of the CCPA, it may consider all facts it determines to be relevant, including good faith efforts to comply with the law.		
556.	Comment appears to object to the proposed regulations because they do not match its own criteria. Commenter's own criteria disallow businesses—which commenter defines to include data controllers, data processors, and data brokers—from maintaining data about a data subject unless they have a direct relationship with that data subject.	No change has been made in response to this comment. The CCPA's definitions and requirements govern the relationship between a consumer and a business, service provider, contractor, and third party. The CCPA defines "business," "consumer," "service provider," "contractor," and "third party" (Civ. Code § 1798.140(d), (i), (ag), (j), (ai)) and includes provisions in several different places that impose obligations upon businesses, service providers, contractors, and third parties relating to consumers' personal information. The Agency makes no statement regarding the ISL framework.	W58-15	0604
557.	Comment appears to object to the proposed regulation "not fully address[ing]" the "use of data subject tracking for marketing or advertising purposes, including current RTB infrastructures." Regulation states that cross contextual ads are not a business purpose for which a business and service provider can contract, but the use of cross	No change has been made in response to this comment. It is unclear what the comment is saying. The comment does not provide sufficient specificity to the Agency to make any modifications to the text. To the extent that the comment objects to the definition of cross-context behavioral advertising, the CCPA defines that term (Civ. Code § 1798.140(k)), and the Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope. The Agency does not comment about the	W58-17	0605

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	contextual behavioral ads is very narrow, and commenter has "concerns about other profiling tactics, including emerging forms."	comment's reasoning. The Agency makes no statement regarding the ISL framework.		
558.	Comments recommend deleting or modifying all or parts of §§ 7051 and 7053, including by adding a materiality standard or providing a good-faith exception. Detailed requirements in §§ 7051 and 7053 create significant consequences "for immaterial non-compliance," interfere with companies' practices, impose compliance costs with little to no corresponding benefit to consumers, and go beyond the statute—for example, requiring companies that "sell" or "share" personal information to third parties to document the precise purposes of disclosures or permitted uses makes little make sense, because the recipient typically has the right to use it in any manner consistent with the law. Under § 7051(c) a business could be deemed to have "sold" personal information without having provided the corresponding notice and opt out even when the disclosure was made pursuant to a contract that provided that the recipient is a service provider to the disclosing business, simply because the contract does not meet the requirements mandated by § 7051(a). Under § 7053(c), third parties would be prohibited from processing personal information received from a business unless they have a contract	No change has been made in response to these comments. As explained in the ISOR, the purposes of §§ 7051 and 7053 are to consolidate all the provisions that CCPA requires be included in a business's contract with its service provider, contractor, or third party, which are listed in several different places throughout the CCPA; explain the consequence if those provisions are not included, and clarify the duties of a service provider, contractor, third party, and business as it relates to the contract. ISOR, pp. 50, 53. It is the CCPA that imposes the requirements for agreements between businesses and their service providers, contractors, and third parties. *See*, *e.g.*, Civ. Code §§ 1798.100(d), 1798.105(c), 1798.121(c), 1798.130(a), 1798.135(f), 1798.140(j)(1)(A), (ag)(1). The guidance provided by the regulations benefits consumers by helping businesses, service providers, contractors, and third parties understand what is required of them, which helps to ensure their compliance with the CCPA. The comments' proposed alternative of including a materiality standard or good-faith exception would not be more effective in carrying out the purpose and intent of CCPA. One of the enumerated purposes of the CCPA is to hold businesses accountable through vigorous administrative and civil enforcement. Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), § 3(C)(7). The proposed alternative would unnecessarily impede the Agency's mandate to vigorously enforce the law, contrary to the purposes and intent of CCPA. Additionally, the proposed alternative is vague and does not provide meaningful guidance for businesses, service providers, contractors, and third parties to help them understand what would be required of them. To the extent the comments suggest that it would be an "immaterial" violation for a business to fail to specify in its agreement with a third party that the personal	W11-1 W11-2 W11-40 W11-41 W11-43 W11-44 W11-51 W24-36 W43-22 W52-12 W66-22 W69-20 W75-1 W75-22 W86-2 W86-9 W86-10 W86-11 W89-20 W89-21 W102-17	0141-0142 0142 0151 0151 0152 0152 0153 0237 0441 0529 0731 0767 0814 0826 0937 0940-0941 0940 0940 0958 0958 1084

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	with the business that meets all requirements of § 7053(a). One comment states that third parties not subject to a contract nevertheless being bound by its requirements is inconsistent with the statute. Another comment contends that the CPRA amendments place the obligations on first parties, so third parties should not be responsible for implementing contracts with first parties. Another comment suggests that a third party should not be liable for collecting, using, processing, retaining, selling, or sharing personal information while operating under a contract it believes to be compliant, "to avoid a third party being retroactively punished for its use of information." Another comment says that failure to specify the specific business purposes in an agreement with a vendor should not disqualify the vendor from being a service provider or contractor under the CCPA. Other comments suggest that failure to address all of the provisions would subject businesses to "significant penalties, even for trivial missteps."	information is sold or disclosed only for limited and specified purposes, the Agency disagrees. The CCPA specifically requires that such agreements "specif[y] that the personal information is sold or disclosed by the business only for limited and specified purposes." Civ. Code §§ 1798.100(d)(1). To the extent the comment suggests that a business should not be deemed to have "sold" personal information simply because its contract does not meet the requirements mandated by § 7051(a), no change has been made for the reasons discussed in Response # 608. To the extent the comment suggests that under § 7053(c), third parties should not be prohibited from processing the personal information unless the contract meets the requirements of § 7053(a), that the prohibition is inconsistent with the statute, or that third parties should not be responsible for implementing contracts with first parties, the Agency disagrees. CCPA requires businesses' agreements with third parties to provide the same level of privacy protection as required of businesses by the CCPA and these regulations. *See, e.g.,* Civ. Code § 1798.100(d)(2). Subsection 7053(c) is now § 7052(a), but the purpose and necessity set forth in the ISOR still applies. Namely, the consequence of a third party not having a contract that complies with § 7053(a) is that the third party shall not collect, use, process, retain, sell, or share the personal information that the business made available to it. This regulation is necessary to inform third parties of the consequences of failing to have a required contract in place and to ensure compliance with the CCPA, which benefits consumers. *See* ISOR, p. 54. Moreover, the Agency may exercise prosecutorial discretion if warranted, depending on the particular facts at issue. Prosecutorial discretion permits the Agency to choose which entities to investigate and whether to initiate an administrative action. How the Agency decides to exercise its enforcement authority is a context-specific, fact-specific, discretionary decision. Proposed regulation § 7301(b)		

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		recognizes that, as part of the Agency's decision to pursue investigations of possible or alleged violations of the CCPA, it may consider all facts it determines to be relevant, including good faith efforts to comply with the law.		
559.	The contractual requirements are time consuming, costly, require the updating and renegotiation of many contracts, and may result in higher prices to consumers. The regulations should "automatically bind the required contractual provisions to service providers, contractors and third parties"; including a compliance-with-laws representation would be more efficient and less costly.	No change has been made in response to these comments. It is the CCPA that imposes the contractual requirements and restrictions upon businesses, service providers, contractors, and third parties. *See*, *e.g.*, Civ. Code §§ 1798.100(d), 1798.105(c), 1798.121(c), 1798.130(a), 1798.135(f)), 1798.140(ag)(1), (j)(1)(A). The regulations are consistent with and implement these requirements. As set forth in the ISOR, the purposes of §§ 7051 and 7053 are to consolidate all the provisions that the CCPA requires be included in a business's contract with its service provider or contractor or third party, which are listed in several different places throughout the CCPA; explain the consequence if those provisions are not included; and clarify the duties of a service provider, contractor, third party, and business as it relates to the contract. ISOR, pp. 50-51, 53. The guidance provided by the regulations benefits consumers by helping businesses, service providers, contractors, and third parties understand what is required of them, which helps to ensure their compliance with the CCPA. *See* ISOR, pp. 50-51, 53. To the extent the comment suggests replacing requirements in §§ 7051 and 7053 with a compliance-with-laws representation, that would conflict with the statute, which requires more specific provisions in businesses' agreements with service providers, contractors, and third parties (*see*, *e.g.*, Civ. Code §§ 1798.100(d), 1798.140(j), (ag)) and would not be more effective in carrying out the purpose and intent of the CCPA. To the extent the comments suggest that service providers, contractors, and third parties are not bound by the contract required by the CCPA and these regulations, the commenter should review §§ 7050 and 7052 in their entirety, which make clear that service providers, contractors, and third	W11-40 W11-41 W11-44 W45-26 W52-38 W102-16	0151 0151 0152 0472 0539 1083-1084

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		parties must comply with the terms of the contract required by the CCPA and these regulations.		
560.	Delete §§ 7051 and 7053 because the statute already addresses core requirements for service provider agreements and does not instruct the Agency to issue regulations concerning third party agreements; and the statute sufficiently defines contract requirements. The Agency should not adopt new requirements, particularly where the new language deviates from emerging U.S. and global privacy standards (e.g., imposing stricter requirements on third party contracting).	No change has been made in response to these comments. The CCPA sets forth several provisions that must be included in a business's agreement with a service provider, contractor, or third party, as well as other requirements pertaining to businesses, service providers, and contractors that are in several places throughout the statute. *See*, *e.g.*, Civ. Code §§ 1798.100(d), 1798.105(c), 1798.121(c), 1798.130(a), 1798.135(f), 1798.140(ag)(1), (j)(1). The regulations are consistent with and implement these requirements. As explained in the ISOR, the purposes of §§ 7051 and 7053 are to consolidate all the provisions that the CCPA requires be included in a business's contract with its service provider or contractor or third party, which are listed in several different places throughout the CCPA; explain the consequence if those provisions are not included; and clarify the duties of a service provider, contractor, third party, and business as it relates to the contract. ISOR, pp. 50-51, 53. These sections help businesses, service providers, contractors, and third parties understand what is required of them and helps ensure their compliance with the CCPA, which benefits consumers. The statute gives the Agency authority to adopt regulations to further the purposes of the CCPA. *See* Civ. Code § 1798.185(b). To the extent the comment objects to the regulations' deviations from emerging United States and global privacy standards, the Agency seeks to harmonize with other privacy laws to the extent that doing so is consistent with, and furthers the intent and purposes of, the CCPA.	W24-36 W52-5 W52-35 W69-20	0237 0527-0528 0538 0767-0768
561.	Comments appear to object to §§ 7051 and 7053 requiring similar contractual provisions between businesses and their service providers or contractors, and between businesses and third parties (e.g.,	No change has been made in response to these comments. The comment proposes an interpretation of the CCPA that is inconsistent with the language, structure, and intent of the CCPA. It is the CCPA that sets forth what must be included in a business's agreement with a service provider, contractor, or third party; as	W45-25 W52-11	0472 0529

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	regarding purpose limitations and oversight), because the "relationship and allocation of responsibilities of the two parties" is fundamentally different as between a business and its processor and a business and another controller. Another comment objects to requirements for third parties being tantamount to those for service provider and contractors and states that the regulations "should reflect the differences between third parties, on the one hand, and service providers and contractors, on the other hand, that are manifest in the statute." Businesses operate independently from any third party to which personal information is sold or shared. Consumers have rights to opt-out of sale and sharing with third parties, and the third parties are subject to their own obligations under the CCPA to provide consumers with transparency and rights.	well as other requirements pertaining to businesses' relationship with service providers and contractors that are in several places throughout the statute. *See*, *e.g.*, Civ. Code §§ 1798.100(d), 1798.105(c), 1798.121(c), 1798.130(a), 1798.135(f), 1798.140(ag)(1), (j)(1). Specifically, a business's agreement with these entities must: (1) "specif[y] that the personal information is sold or disclosed by the business only for limited and specified purposes"; (2) obligate the service provider, contractor, or third party to "provide the same level of privacy protection as is required by this title"; and (3) "grant[] the business rights to take reasonable and appropriate steps to help ensure that the third party, service provider, or contractor uses the personal information transferred in a manner consistent with the business's obligations under this title." Civ. Code § 1798.100(d)(1)-(3). The regulations are consistent with and implement those requirements.		
562.	Nonprofits' obligations under CCPA—to the extent they qualify as service providers, contractors, or third parties under CCPA—depend upon relationships with businesses. For third parties that are not also businesses, obligations (e.g., § 7052(a) and (b) requiring third parties to comply with consumer rights requests in the same way a business is required to comply with them) seem to exceed the statutory intent and purpose in Section 3 of the CPRA. Clarify	No change has been made in response to these comments. Subsections 7050(a) and 7052(a), (b) have been deleted, and thus, the comment is moot with respect to those subsections. To the extent that the comment suggests that the requirements in §§ 7052 and 7053 do not apply to (1) a third party unless the third party is also a "business", or (2) a nonprofit, the comment misinterprets the law and these regulations. Civil Code § 1798.140(ai) defines a "third party" as "a person who is not… (1) The business with whom the consumer intentionally interacts… (2) A service provider. . . [or] (3) A contractor. That definition does not require that a third party also be a "business," nor does it	W49-3 W49-4 W49-5	0495-0496 0496 0496

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	that requirements in §§ 7052(a), (b) and 7053 are only applicable to the extent such third parties also meet the definition of "business" under the CCPA.	exclude nonprofits. Comments' suggestion to exempt third parties that are not also businesses from the requirements in §§ 7052 and 7053 would be inconsistent with the statute's language and would weaken the protection of consumers' rights, contradicting the purpose and intent of the people of the State of California in enacting the statute. Consistent with the statute's definition of "third party," §§ 7052 and 7053 apply to third parties, regardless of whether they are businesses or nonprofits.		
563.	Add the audit-and-testing language from § 7051(a)(7) (relating to service providers) to § 7053(a)(4) (relating to third parties), rather than requiring a third party to attest to compliance, because commenter has found more opt-out consent failures between businesses and third parties than between businesses and service providers or contractors. Some will argue against the burdens of testing and auditing, but scanning can be accomplished via low-cost software.	No change has been made in response to these comments. Adding the audit-and-testing language from § 7051(a)(7) to § 7053(a)(4) would not be more effective in carrying out the purpose and intent of the CCPA. The example included in § 7053(a)(4) provides sufficient guidance to businesses in relation to Civil Code § 1798.100(d)(3), which requires that a business that collects a consumer's personal information and sells it to, or shares it with, a third party, must grant itself rights to take reasonable and appropriate steps to help ensure that the third party uses the personal information transferred in a manner consistent with the business's obligations.	W27-3 W27-4 W27-5 O7-2	0257 0258 0259 D1 25:19-26:3
564.	Remove or amend §§ 7051(a)(2)'s and 7053(a)(1)-(2)'s requirements regarding businesses' agreements because: (1) businesses enter into master agreements with vendors and service providers, with details of specific products or services specified in other documents (e.g., purchase orders, statements of work) or communications (e.g., emails); and (2) the regulations should provide flexibility for the use of "standardized industry contracts that identify the specific	No change has been made in response to these comments. The comments' proposed changes would conflict with the CCPA. *See* Response # 553. Whether master agreements with details in purchase orders, statements of work, and other documents meet the CCPA's and these regulations is a fact-specific determination. Similarly, whether a standardized industry contract would comply with the CCPA's and these regulations' requirements is a fact-specific determination. The commenters should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. To the extent the comments suggest that a standard industry contract could comply with the CCPA and these regulations without, e.g., identifying the specific Business	W11-51 W48-13 W65-17 W68-18 W69-24	0153 0491 0720 0753-0757 0768

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	permitted digital advertising activities, data use restrictions, data safeguards, and applicable business purposes when engaging in those activities" to enable companies and the Agency to more effectively perform due diligence and audits of digital advertising industry participants.	Purpose(s) for which a service provider or contractor is processing personal information, without identifying the limited and specified purposes for which personal information is made available to a third party, or without specifying that the personal information is disclosed by the business, or made available to the third party by the business, only for limited and specified purposes, the comment misinterprets the law and these regulations. *See* Civ. Code §§ 1798.100(d)(1)), 1798.140(j)(1), (ag)(1)); §§ 7051(a)(2), 7053(a)(1)-(2); *see also* Response # 553.		
565.	Recommends clarifying that both businesses and third parties have obligations to ensure that deletion and correction requests are delivered to and complied with by third parties.	No change has been made in response to this comment. The regulations are reasonably clear. Sections 7052 and 7053 of the proposed regulations set forth requirements for third parties, which include a requirement that businesses and their third parties agree that third parties are required to comply with all applicable sections of the CCPA.	W60-5	0625-0626
566.	Recommends clarifying whether written permission for requests to delete and requests to correct must be given on paper or electronically.	No change has been made in response to this comment. The regulations are reasonably clear. Comment appears to refer to "written permission signed by the consumer" in the context of a consumer's use of authorized agents under § 7026(j) and § 7027(j). Section 7001(ii) defines "signed" to mean that "written attestation, declaration, or permission has either been physically signed or provided electronically in accordance with the Uniform Electronic Transactions Act." No further clarification is needed at this time.	W60-6	0626
567.	Comments object to shipping companies being classified as "data processors" or "service providers," because (1) they act as "data controllers" or "businesses" for data on the shipping label and data necessary to provide track and trace service; (2) a service provider designation would (i) subject them to business-customers' controls, (ii) preclude them from using	No change has been made in response to this comment. TheCCPA defines "business" and "service provider" (Civ. Code § 1798.140(d) and (ag)), and prohibits service providers from processing personal information received from or on behalf of the business for "any purpose other than for the business purposes specified in the contract." Civ. Code §1798.140(ag)(1)(B). The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope. Whether a shipping company would be a business or a service provider in a particular scenario is a fact-specific	W36-1 W36-2 W36-3 W36-4 W36-5 W36-6 W36-7 W36-8 W36-9	0378 0379 0379 0379 0379-0380 0380 0380 0380 0380

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	shipping data for any purposes other than those specified in the contract or permitted by the CCPA and these regulations, including operational purposes like advanced-route organization and network planning, and legitimate business purposes, which conflict with legal requirements to retain information (e.g., for customs, U.S. Department of Transportation, and federal aviation regulations); (iii) require them to demonstrate proper security safeguards and procedures to ensure the protection of all individuals' personal data they process; and (iv) make it difficult for a shipping company to cooperate with a business in responding to and complying with consumers' CCPA requests (for example, to delete an address) and to provide documentation verifying that they no longer retain or use the personal information of consumers that have made a valid request to delete, because the personal information may not be associated with only that consumer; and (3) the GDPR and other European data regulators consider them to be "data processers." One comment notes that shipping companies act as mere conduits of personal data that may be contained within packages they transport; they don't control the contents of nor do they know whether the packages contain personal information.	question that depends on the contractual relationship between the shipping company and the businesses that it services. It is unnecessary and overly prescriptive for the Agency to designate an entire industry to be, or not to be, a service provider. The regulations provide general guidance regarding how to comply with the CCPA and gives businesses flexibility and discretion to apply the law and these regulations in a manner that best fits their business and customers. The regulations are meant to be applicable to many factual situations and across industries. To the extent that the comments suggest that a shipping company cannot comply with service provider obligations, the Agency notes that § 7050(a) allows service providers and contractors to use personal information to build or improve the quality of the services they are providing to the business and that Civil Code § 1798.145 provides exceptions for complying with federal, state, and local laws and court orders, among other things. To the extent that the comment suggests a service provider would not need to have and demonstrate proper security safeguards and procedures, the comment misinterprets the statute and the regulations, which require service providers to provide the same level of privacy protection as required of businesses by the CCPA and these regulations. *See, e.g.,* Civ. Code § 1798.100(d)(2); §§ 7050(f), 7051(a)(6). To the extent the comment objects to the CCPA's and regulations' inconsistencies with the GDPR, the Agency seeks to harmonize with other privacy laws to the extent that doing so is consistent with, and furthers the intent and purposes of, the CCPA.	W36-10 W36-13 W67-1 W67-2 W67-3	0381-0382 0382-0383 0733-0736 0736-0737 0737-0738

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	Commenters propose various revisions in line with these arguments.			
568.	Clarify that businesses are not "selling" consumers' personal information when they provide it to their shipping/ transportation providers ("carriers"). Carriers need to use the information to deliver the particular package and also to route packages, plan transportation and delivery, and organize networks (e.g., locations of facilities, staffing, drop-box locations), but carriers' use of the information beyond the particular package delivery requested by the individual consumer could be considered a "sale" of the information from the business to the carrier. The Agency should clarify that the exception in Civil Code § 1798.140(ad)(2)(A) applies to the shipping information that carriers receive from businesses (i.e., that when consumers order goods that need to be shipped, they are directing the retail-business to intentionally disclose their personal information to the retailer's carrier). This clarification would also be more in line with European privacy laws.	No change has been made in response to these comments. Whether a business "sells" personal information to its carrier in a particular scenario is a fact- and context-specific question that depends on the contractual relationship between the business and its carrier, as well as whether the consumer uses or directs the business to intentionally disclose the personal information to the shipping carrier. To the extent that the commenters seek additional clarity, the commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulations provide general guidance regarding how to comply with the CCPA and give businesses flexibility and discretion to apply the law and these regulations in a manner that best fits their business and customers. The regulations are meant to be applicable to many factual situations and across industries. To the extent that the comment suggests that a shipping company cannot comply with service provider obligations, the Agency notes that § 7050(a) allows service providers and contractors to use personal information to build or improve the quality of the services they are providing to the business. *See* Response # 567. To the extent the comments object to purported inconsistences between the CCPA and regulations, on the one hand, and European privacy laws, on the other, the Agency seeks to harmonize California law with other privacy laws to the extent that doing so is consistent with, and furthers the intent and purposes of, the CCPA.	W36-10 W36-11 W36-12 W36-13 W67-1 W67-3	0381-0383 0381 0381 0382-0383 0733-0736 0737-0738
569.	Comment objects to the absence of an exemption for businesses providing notifications to service providers, contractors, and third parties under various requests (e.g., delete, correct, opt out)	No change has been made in response to this comment. The CCPA explicitly requires businesses to provide notifications. *See, e.g.,* Civ. Code § 1798.105(c)(1) (requiring a business to notify service providers or contractors to delete the consumer's personal information from their records, and to notify third parties to delete,	W24-1	0229

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	where the business knows the recipient either has an exemption or has deleted the personal information. Comment contends that the absence of such an exemption "goes against the data minimization principle."	unless this proves impossible or involves disproportionate effort). To the extent the comment raises legal questions that would require a fact-specific determination, the commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The Agency does not believe additional guidance is necessary at this time, but will continue to monitor the marketplace and the application of these regulations.		
– **Comments generally about §§ 7051(e) and 7053(e)**				
570.	Comment strongly supports the language in § 7051(e)'s example.	The Agency appreciates the comment of support. No change has been made in response to this comment about § 7051(e), now now § 7051(c).	W90-36	1025
571.	Subsections 7051(e) and 7053(e) should be deleted or revised because they: (1) go beyond or are inconsistent with the statute; (2) condition a business's liability upon its due diligence, rather than on whether it has actual knowledge or reason to believe that a violation would be committed; or (3) change the standard of liability and shift liability to the business even where the business is "substantively in full compliance."	No change has been made in response to these comments about §§ 7051(e) and 7053(e), now §§ 7051(c) and 7053(b). The Agency disagrees with the comment's interpretation of the CCPA. The regulations are consistent with the language, structure, and intent of the CCPA. The regulations explain that the Agency will consider a business's due diligence in assessing a business's liability for its service provider's, contractor's, or third party's use of personal information in violation of the CCPA. As explained in the ISOR, the regulations clarify that a business that never enforces the terms of its contract nor exercises its rights to audit or test may not be able to claim that it did not know or have reason to believe that the service provider, contractor, or third party intended to use the personal information in violation of the CCPA. This is necessary to ensure that the provisions required to be in the contract have real meaning and that businesses do not shirk their duties to ensure that personal information disclosed to service providers, contractors, and third parties is used in a lawful manner and that businesses, providers, contractors, and third parties comply with the law. *See* ISOR, pp. 51-55. Sections 7051(e) and 7053(e) do not change the CCPA's standard for loss of liability. Civil Code § 1798.145(i) does not articulate a specific standard but rather, as	W9-38 W9-44 W10-17 W10-31 W11-49 W11-48 W11-50 W25-26 W25-27 W27-4 W27-5 W28-65 W28-66 W33-12 W43-20 W43-21 W43-23 W43-24 W45-24 W48-15	0058-0059 0061 0108-0109 0119-0120 0152 0152 0152 0246-0247 0247 0258 0259 0304 0301-0302, 0304 0359 0441 0441 0442 0443 0472 0492

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		noted above, sets forth the circumstances under which a business may not be liable for its service provider's, contractor's, or third party's use of personal information in violation of CCPA.	W61-13 W65-18 W65-19 W69-20 W69-22 W69-23 W79-1 W79-3 W79-4 W82-11 W86-12 W89-15 W89-16 W102-15 W102-19	0651-0652 0720-0721 0767-0768 0768 0768 0768 0869. 0871 0870 0870 0897 0941 0956-0957 0956-0957 1083 1084
572.	Subsections 7051(e) and 7053(e) should be deleted or revised because businesses should be able to rely upon a person's compliance with the contract, and service providers and contractors are responsible for their own compliance. One comment adds that this should especially be the case where the service provider or contractor is directly regulated by the CCPA, insurance laws, equivalent laws in other states, or similar federal laws or regulations. Comments' suggested alternatives include deletion of the subsections, revising them to deem the inclusion of required contractual provisions to be sufficient to shield businesses from liability unless they are given reason to believe the person is	No change has been made in response to these comments about §§ 7051(e) and 7053(e), now §§ 7051(c) and 7053(b). As explained in the ISOR, the provisions required to be in the contract must have real meaning, and businesses may not shirk their duties to ensure that personal information disclosed to service providers, contractors, and third parties is used in a lawful manner and in compliance with the law. *See* ISOR, pp. 51-55. The comment's proposed alternatives are not more effective in carrying out the purpose and intent of the CCPA and are inconsistent with the purpose and intent of the law (*e.g.*, to further protect consumers' rights, hold businesses accountable, and provide businesses with clear guidance about their responsibilities) (Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), §§ 3, (B)(7), (C)(2), (7)). They incentivize businesses to choose ignorance, which would lessen the protections for consumers' privacy and would not support the Agency's mandate to vigorously enforce the law. Comments' suggestions actually demonstrate the value of incorporating the	W33-12 W45-24 W61-13 W65-18 W65-19 W82-11	0359 0472 0651-0652 0720-0721 0720 0897

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	not in compliance, or creating an exception where a service provider or contractor is directly regulated by CCPA or other laws.	examples in §§ 7051(c) and 7053(b). *See* also Response # 573. As explained in the ISOR, these subsections are meant to provide meaningful guidance to businesses that they must comply with not just the letter of the law, but the spirit of the law. ISOR, pp. 51-55.		
573.	Subsections 7051(e) and 7053(e) should be deleted or revised because requiring due diligence irrespective of circumstances is contrary to the CCPA. The regulations will be read to require that businesses take the steps set forth in the examples. In doing so, the regulations do not take into account the "burden on the business" and impose these burdens with little to no corresponding benefit to consumers. Some comments also note that businesses' assessments are generally risk-based, and businesses will not be able to, and may not be able to secure contractual rights to, periodically audit or test each service provider, contractor, and third party. Suggested revisions include changing the provisions to add the underlined language: "a business that never enforces the terms of the contract <u>where the business knows or has reason to believe that a violation of the CCPA and these regulations occurred</u>…" or to replace the specific language of the examples with the underlined language: "a business that <u>does not conduct due diligence</u>…might not be able to rely…" Other comments suggest that taking "reasonable measures to oversee	No change has been made in response to these comments about §§ 7051(e) and 7053(e), now §§ 7051(c) and 7053(b). As explained in the ISOR, the purpose of these subsections is to explain that whether a business conducts due diligence of its service providers, contractors, and third parties, factors into whether the business can rely on the defense set forth in Civil Code § 1798.145(i). ISOR, pp. 51-55. The examples provided illustrate this principle, but they are not the only way to apply it. Indeed, the subsections use the term "may" and the prefatory clause "depending on the circumstances" because the ultimate determination is fact- and context-specific. The regulations provide general guidance that businesses have the flexibility and discretion to apply depending on their specific circumstances. The regulations are meant to be applicable to many factual situations and across different industries. Regarding the comment that the regulations impose burdens with little to no consumer benefit, the Agency disagrees. The guidance provided in these regulations benefits both businesses and consumers by ensuring that the requisite contractual provisions have real meaning and that businesses do not shirk their duties to hold their service providers, contractors, and third parties accountable to them. This benefits consumers by helping to protect their privacy and fulfil the intent of the CCPA. The comments' suggested revisions are not more effective in carrying out the purpose and intent of the CCPA. *See* also Response # 572.	W10-31 W11-50 W20-44 W28-65 W28-66 W33-12 W45-24 W65-18 W68-18 W69-20 W69-22 W69-23 W79-3 W82-11 W89-15 W89-16	0119-0120 0152-0153 0213 0304 0301-0302, 0304 0359 0472 0720-0721 0755, 0757 0767-0768 0768 0768 0870 0897 0956-0957 0956-0957

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	compliance" or relying upon independent third-party assessments or audit reports should be sufficient, and that the example is redundant.			
574.	Comment supports § 7051(e) making "clear that there is no safe harbor" for a business that does not enforce its contract nor exercise its audit or testing rights with respect to its service providers. Recommends adding the audit-and-testing language to § 7053(e) because commenter has found more opt-out consent failures between businesses and third parties than between businesses and service providers or contractors. Another comment states that while some will argue against the burdens of testing and auditing, scanning can be accomplished via with low-cost software.	No change has been made in response to this comment. The Agency appreciates this comment of support for § 7051(e), now § 7051(c). Regarding comment's recommendation to include the audit-and-testing language in third party contracts, the proposed language is not necessary at this time. The example included in § 7053(b) provides sufficient guidance to businesses in relation to Civil Code § 1798.145(i)(2) and is consistent with CCPA's requirement that the business grant itself rights to take reasonable and appropriate steps to help ensure that the third party uses the personal information transferred in a manner consistent with the business's obligations under Civil Code § 1798.100(d)(3). The Agency will continue to monitor the marketplace.	W27-4 W27-5 O7-3 O7-4	0258 0259 D1 26:4-26:6 D1 26:8-26:9
575.	Strike §§ 7051(e) and 7053(e) or amend them to clarify the level of due diligence required to prevent liability shift to businesses. For example, the regulations should clarify the "circumstances" that would justify a business not exercising its right to audit, including whether certification or representation that the service provider's parent/affiliates are a GLBA-regulated entity would be sufficient. The Agency should list the factors that would affirmatively indicate a violation.	No change has been made in response to this comment. Subsections 7051(e) and 7053(e), now §§ 7051(c) and 7053(b), are reasonably clear based upon the plain meaning of the words. Subsections 7051(c) and 7053(b) provide flexibility and discretion for businesses as to how and under what circumstances they conduct their due diligence (*e.g.*, considerations of relative risks, specific business practices and relationships, and costs), which helps to ensure that the regulations apply to a wide range of factual situations and across industries. The Agency has determined that no further clarification is needed at this time. To the extent that the commenter seeks additional clarity, it likely requires a fact-specific determination. The commenter should consult with an attorney	W10-17 W11-48 W25-27 W43-21 W43-24	0108-0109 0152 0247 0441 0442

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		who is aware of all pertinent facts and relevant compliance concerns.		
576.	Delete §§ 7051(e) and 7053(e) because they are vague, imply a certain amount of auditing is required, and are unnecessary.	No change has been made in response to this comment. Subsections 7051(e) and 7053(e), now §§ 7051(c) and 7053(b), are reasonably clear based upon the plain meaning of the words. As explained in the ISOR, these subsections are necessary to ensure that the requisite contractual provisions have real meaning and that businesses do not shirk their duties to hold their service providers, contractors, and third parties accountable to them. The subsections provide flexibility and discretion for businesses as to how and under what circumstances they conduct their due diligence (*e.g.*, considerations of relative risks, specific business practices and relationships, and costs). This flexibility helps to ensure that the regulations apply to a wide range of factual situations and across different industries.	W102-15 W102-19	1083 1084
577.	Comments appear to object to §§ 7051(e) and 7053(e) because in Europe, businesses do not conduct privacy audits of their counterparties or audit controllers.	No change has been made in response to this comment. The comment appears to object to these subsections because they deviate from European requirements related to service providers, contractors, or third parties. However, these regulations are based on the CCPA (not European law), which requires that businesses take reasonable and appropriate steps to help ensure that the third party, service provider, or contractor uses the personal information transferred in a manner consistent with the business's obligations under the CCPA. *See* Civ. Code § 1798.100(d)(3). While the Agency seeks to harmonize with other privacy laws, it does so to the extent that it is consistent with, and furthers the intent and purposes of, the CCPA.	W102-15 W102-19	1083 1084
§ 7050. Service Providers and Contractors				
– **Comments generally about § 7050**				
578.	Comment suggests exempting business-to-business (B2B) entities that are service providers and only "businesses" because	No change has been made in response to this comment. The CCPA defines "business" and "sale" and imposes requirements upon businesses that sell or share consumers' personal information (*see*,	W26-4 W26-5	0252 0253

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	they have public-facing websites from having to comply with the disclosure and opt-out requirements. Comment claims that because of CCPA's expansive definition of "sale," B2B businesses that use analytics services to obtain information on audience characteristics and number of site-visitors on their websites must undertake burdensome CCPA compliance efforts (*e.g.*, draft disclosures, update privacy policies, and operationalize opt-outs), and that this is an inefficient use of resources for entities that have few consumers visiting their websites. Recommends some sort of short-form disclosure instead.	*e.g.*, Civ. Code §§ 1798.115(b) and (c), 1798.120(b), 1798.135(a), 1798.140(d) and(ad)). The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope. Moreover, the B2B exemption set forth in Civil Code § 1798.145(n) has expired.		
– **§ 7050(a)**				
579.	Modify § 7050(a) to (1) avoid entities processing personal information on behalf of entities that are not "businesses" from having to comply with consumer requests, (2) avoid requiring businesses acting as service providers to a nonbusiness to have CPRA-compliant contracts in place with the nonbusiness, and (3) clarify the example. One comment states that § 7050 indicates that entities providing services to nonprofit organizations and government agencies are exempt under the proposed regulations and supports that providing services to nonprofits or government agencies is not subject to CCPA.	No change has been made in response to these comments. The Agency has deleted § 7050(a), and thus, the comments are moot.	W20-43 W28-51 W33-11 W78-18 W80-9	0213 0298-0299, 0302 0359 0863 0876

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
580.	Comments object to the regulations' reclassifying entities servicing entities that are not businesses as "service providers" or "contractors" and allege the Agency lacks authority to do so. One comment alleges that § 7050(a) expands the definition of "service provider" to include "contractors."	No change has been made in response to these comments. The Agency has deleted § 7050(a), and thus, the comments are moot.	W11-40 W11-41 W33-9 W33-10	0151 0151 0357-0358 0359-0359
– **§ 7050(b)**				
581.	Supports the removal of "confusing language regarding augmenting data" from § 7050(b)(4).	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulation, now § 7050(a)(3), so no further response is required.	W57-7	0592
582.	Comment supports inclusion of examples in § 7050(b)(4) and notes that service providers use personal information collected across business customers to protect and secure services, facilitate research, develop AI, improve services, and serve multiple businesses working together.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulation, now § 7050(a)(4), so no further response is required. The Agency makes no comment regarding the identified uses of combined personal information by service providers and contractors as they appear to raise specific legal questions that would require a fact-specific determination.	W17-13	0182-0183
583.	Add "or to investigate" to § 7050(b), to allow service providers to not only detect but also to investigate data security incidents.	Accept. The regulation, now § 7050(a)(4), has been modified to clarify that personal information may be used to "prevent" and "investigate" security incidents.	W78-19	0864
584.	Modify § 7050(b)(4) to expressly allow service providers and contractors to use personal information to prevent, detect, and respond to data security incidents and to protect against fraudulent or illegal activity. Comment suggests adding: "*Nothing in this section shall prevent a service provider or contractor from using*	Accept in part. The Agency has revised § 7050(b)(4), now § 7050(a)(4), to clarify that a service provider or contractor may use personal information collected pursuant to its contract with the business to prevent and investigate security incidents, even if this business purpose is not specified in the written contract required by the CCPA and these regulations.	W56-2	0586-0587

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	personal information to perform services on behalf of another person where such services are provided for the purposes of preventing, detecting, or responding to data security incidents and protecting against fraudulent or illegal activity."			
585.	Section 7050 should reflect that companies may be both service providers and third parties depending upon the purposes for which they collect information.	Accept in part. As explained in the FSOR, the Agency has modified the regulations, including to use the phrase "Collected pursuant to the written contract with the business" in § 7050, to acknowledge situations in which a service provider or contractor may collect personal information when acting in a different capacity (for example, as a business or as a third party) and to more precisely cover how contractors' and service providers' obligations apply specifically to the personal information collected pursuant to their written contract with the business.	W60-11	0629
586.	The use of the phrase "business purposes and services" expands the contracting requirements beyond the CPRA, which only mentions "business purposes" or "purposes" when describing how a contract should limit a service provider's use of data.	No change has been made in response to this comment. The regulation, now § 7050(a)(1), has been modified to use the capitalized term "Business Purpose(s)," instead of "business purpose(s) and service(s)," because "services" is included within the CCPA definition of "Business Purpose(s)." *See* Civ. Code § 1798.140(e).	W48-12	0491
587.	The regulations should ensure that service providers and contractors cannot retain personal information to improve their services. Revise § 7050(b)(3) and (4) to explicitly prohibit service providers and contractors from retaining the personal information longer than necessary.	No change has been made in response to this comment. Commenter's proposed revisions are not necessary and would not be more effective in carrying out the purpose and intent of the CCPA. Section 7050(b), now § 7050(a), already prohibits service providers and contractors from retaining the personal information collected pursuant to their written contract with the business, except as specified in § 7050(a)(1)-(5). The CCPA prohibits service providers and contractors from retaining, using, or disclosing the personal information for any purpose other than for the business purposes specified in the contract, including for a commercial	W60-11 W60-46 W60-47 O28-4	0629 0646 0646 D2 28:14-28:20

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		purpose other than the business purposes specified in the contract (*see* Civ. Code §§ 1798.140(j)(1)(A)(ii) and (ag)(1)(B))). Section § 7050(a)(3), and its examples are consistent with these provisions in the CCPA and clarifies that service providers and contractors may use personal information collected pursuant to their written contracts with the business to build and improve the quality of the services they are providing to the business, even if this business purpose is not specified in the written contract, provided that they are not using the personal information to perform services on behalf of another person. This limited exception is also consistent with the goal of strengthening consumer privacy while giving attention to the impact on business and innovation. (Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), § 3(C)(1)). Moreover, Civil Code § 1798.100 and § 7002 of these regulations require that a business's collection, use, and retention be reasonably necessary and proportionate, and thus, those requirements necessarily flow down to service providers and contractors.		
– **§ 7050(c)**				
588.	To account for person(s) who may act as businesses, service providers, contracts, and third parties under the same relationship or with another business, depending upon the services being provided to that business, § 7050(c) should clarify that the prohibition against a service provider or contractor contracting with a business to provide cross-contextual advertising applies only with respect to the cross-contextual behavioral advertising services.	Accept. The regulation, now § 7050(b), has been modified to add "with respect to cross-contextual behavioral advertising services" to clarify that a person can be a third party in one context and a service provider or contractor in another.	W28-54 W37-21 W63-19 W84-17	0299-0300, 0302 0394 0692-0693 0923
589.	Delete § 7050(c) because: (1) businesses should have the right to contract with a	No change has been made in response to this comment about	W9-35 W11-40	0057 0151

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	vendor for cross-context behavioral advertising services without being deemed to engage in sale and/or sharing, (2) the Agency lacks authority to deem all providers of cross-context behavioral advertising third parties (whether they are third parties should be defined by the contract); and (3) it is unnecessary and duplicative of the statute and of § 7050(b)(4). One comment states that CPRA doesn't prohibit service providers or contractors from providing cross-contextual advertising services. Another comment suggests clarifying that § 7050(c) does not prohibit entities from entering into contracts for the purpose of cross-contextual behavioral advertising.	§ 7050(c), now § 7050(b). The CCPA explicitly prohibits cross-context behavioral advertising from the list of "business purposes" for which a service provider or contractor can contract to provide services. *See* Civ. Code § 1798.140(e)(6); *see* also Civ. Code § 1798.140(j)(1)(A)(ii) and (ag)(1)(B) (definitions of "service provider" and "contractor" include that their contracts with the business must prohibit them from "retaining, using, or disclosing the personal information for any purpose *other than for the business purposes* specified in the contract for the business") (emphasis added). This subsection is not duplicative of § 7050(c), now § 7050(b). Subsection 7050(a)(3) provides guidance regarding service providers' and contractors' ability to retain, use, or disclose personal information to build or improve the quality of the services they are providing to the business, while § 7050(b) clarifies that cross-contextual behavioral advertising is not a business purpose for which a service provider or contractor can contract with a business. The regulation is reasonably clear and is consistent with the CCPA. To the extent the comment seeks clarity on whether a person may act as a service provider or contractor in one context and a business in another context, *see* Response # 588.	W11-41 W35-23 W44-16 W50-9 W69-17 W89-20 O10-7	0151 0375 0454 0501 0766-0767 0958 D1 35:17-36:3
590.	Clarify that cross-context behavioral advertising (1) does not include audience-measurement activities, or the collection and/or combination of information about engagement with cross-contextual behavioral ads; and (2) is limited to a business identifying the individuals or devices that will receive cross-contextual behavioral ads. Another comment states that the regulations provide a "limited view" of the types of advertising services that service providers and contractors may	No change has been made in response to this comment about § 7050(c), now § 7050(b). The CCPA defines "cross-context behavioral advertising" (Civ. Code § 1798.140(k)) and explicitly excludes it from the list of business purposes for which a service provider or contractor can contract to provide services. *See* Civ. Code § 1798.140(e)(6). In contrast, auditing relating to counting ad impressions to unique visitors, verifying positioning and quality of ad impressions, and auditing compliance with this specification and other standards is included within the list of "business purposes." *Id.* at 1798.140(e)(1). The regulation is consistent with the CCPA and is reasonably clear. The Agency has determined that no further clarification is needed at this time. The regulation is meant to apply	W5-2 W43-18 W71-1 W71-7	0023 0440-0441 0791 0792-0793

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	provide, and without further clarification, businesses disclosing personal information to an entity solely to provide services to the business could constitute sharing under the CPRA when no cross-context behavioral advertising occurs.	to a wide range of factual situations and provides general guidance for CCPA compliance. Whether audience-measurement activities, post-delivery-engagement activities, or disclosure of personal information to a social media company would constitute a business purpose or cross-context behavioral advertising raises specific legal questions that would require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.		
591.	The regulation should treat agreements between news media outlets and their vendors that provide cross-contextual behavioral advertising as contracts with "service providers." Another comment seeks clarification regarding whether media companies running advertisements can be service providers and suggests modifying § 7050(c) to specifically prevent them from providing cross-contextual behavioral advertising.	No change has been made in response to this comment. The CCPA explicitly excludes cross-context behavioral advertising from the list of "business purposes" for which a service provider or contractor can contract to provide services. *See* Civ. Code § 1798.140(e)(6); *see* also Civ. Code § 1798.140(j)(1)(A)(ii) and (ag)(1)(B) (definitions of "service provider" and "contractor" include that their contracts with the business must prohibit them from "retaining, using, or disclosing the personal information for any purpose *other than for the business purposes* specified in the contract for the business") (emphasis added). The regulation is consistent with the CCPA and is reasonably clear. It is meant to apply to a wide range of factual situations and provides general guidance for CCPA compliance. To the extent that the comment asks about specific factual situations, it seeks legal advice that would require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W37-5 W102-10 W102-11	0388 1082 1082
592.	Comments object to the example in § 7050(c)(1) prohibiting a form of advertising based on email addresses and recommend deleting or revising it, because: (1) it contradicts or is inconsistent with the statute (for example, CCPA prohibits combining personal information for a	No change has been made in response to this comment. The comments propose an interpretation of the CCPA that is inconsistent with the language, structure, and intent of the CCPA. The CCPA explicitly excludes cross-context behavioral advertising from the list of "business purposes" for which a service provider or contractor can contract to provide services. See Civ. Code § 1798.140(e)(6) and (k); *see* also Civ. Code § 1798.140(j)(1)(A)(ii)	W14-13 W28-53 W30-22 W33-13 W57-12 W69-17	0166 0299-0300, 0302 0338-0340 0359-0360 0593-0594 0766-0767

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	business's opted-out consumers with information a service provider obtained on its own or from other entities, but the example suggests that any combination of information is impermissible), (2) it doesn't take into account the difference between first- and third-party data or the nuances of advertising ecosystem and raises new questions and uncertainty for businesses, or (3) contractual safeguards to protect personal information, plus consumers' ability to opt out of cross-contextual behavioral advertising, provide sufficient protections. Suggested revisions include permitting a social media company to use Business S's customer list to serve Business S's advertisements to Business S's customers as a service provider. One comment advocates for a "streamlined approach to business, service provider, and contractor use of personal information for targeted advertising," in light of other states' requirements.	and (ag)(1)(B) (definitions of "service provider" and "contractor" include that their contracts with the business must prohibit them from "retaining, using, or disclosing the personal information for any purpose *other than for the business purposes* specified in the contract for the business") (emphasis added). Moreover, the CCPA explicitly states that while providing advertising and marketing services, service providers and contractors are prohibited from combining the personal information of opted-out consumers that the service provider or contractor receives from, or on behalf of, the business with personal information they receive from, or on behalf of, another person *or collects from its own interaction with consumers*. Civ. Code § 1798.140(e)(6) (emphasis added). Section 7050(c) (now 7050(b)), as well as its examples, are consistent with these provisions in the CCPA. Section 7050(b)(1) is an example of how a service provider cannot combine information that it has collected from its own interaction with consumers with the information provided by the business, and § 7050(b)(2) is an example of the type of advertising services a service provider or contractor can provide. Commenter's proposed revision to permit a social media company to use Business S's customer list to serve Business S's advertisements to Business S's customers as a service provider would conflict with the statute. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope. The comment's advocacy for a streamlined approach to business, service provider, and contractor use of personal information for targeted advertising does not provide sufficient specificity to the Agency to make any modifications to the text. To the extent the comment suggests aligning the regulations' approach with other states' requirements, the Agency seeks to harmonize with other privacy laws to the extent that doing so is consistent with, and furthers the intent and purposes of, the CCPA.	W69-18 W69-19 W78-21	0767 0767 0865-0866

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
593.	Comment objects to § 7050(c)'s statement that service providers and contractors "shall not combine the personal information of consumers who have opted-out of the sale/sharing that the service provider or contractor receives from, or on behalf of, the business with personal information that the service provider or contractor receives from, or on behalf of, another person or from its own interaction with consumers," because it would not permit the combination of personal information to effectuate a consumer's opt-out of sale/sharing.	No change has been made in response to this comment. The comment appears to misinterpret the regulations. Section 7050(c), now § 7050(b), does not pertain to effectuating opt-outs; it pertains to providing advertising and marketing services. CCPA's definition of "sharing" makes clear that "a business does not share personal information when the business uses or shares an identifier for a consumer who has opted out of the sharing of the consumer's personal information… for the purposes of alerting persons that the consumer has opted out of the sharing of the consumer's personal information" (Civ. Code § 1798.140(ah)(2)(B)).	W71-1 W71-8	0791 0793
594.	Section 7050(c)(1) prohibits contracting service providers or contractors for cross-context behavioral advertising and that this is not prohibited by law. This is a cost that should have been addressed in a SRIA.	No change has been made in response to this comment. For the purposes of its economic analysis the Agency looked to the legal environment that consists of existing California Law as well as other relevant privacy obligations to comprise the baseline economic conditions for the proposed regulations. The analysis contemplated whether the proposal created obligations not found in existing law. Civil Code §§ 1798.140(e)(6) and (ag)(1) explicitly prohibit businesses from contracting with service providers or contractors for the purpose of cross-context behavioral advertising, and thus, there is no regulatory cost to address in a SRIA.	W9-35 W13-3 W57-20	0057 0158 0598
– **§ 7050(d)**				
595.	Retain § 7050(d)'s provision and distinction from third parties.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulation, now § 7050(c), so no further response is required.	W82-12	0897

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
§ 7051. Contract Requirements for Service Providers and Contractors				
– **§ 7051(a)(1)-(6)**				
596.	Section 7051(a)(2) requires contracts with service providers and contractors to identify business purposes and services for processing personal information. This is a cost that should have been addressed in a SRIA. Claims that this is not required by the law.	No change has been made in response to this comment. For the purposes of its economic analysis the Agency looked to the legal environment that consists of existing California Law as well as other relevant privacy obligations to comprise the baseline economic conditions for the proposed regulations. The analysis contemplated whether the regulation created obligations not found in existing law. Existing law requires that the business's contract with the service provider or contractor include the "specified" purposes for which the personal information is sold or disclosed. *See* Civ. Code §§ 1798.100(d)(1), 1798.140(j)(1)(ii) and (ag)(1)(B). Accordingly, there is no regulatory cost to address in a SRIA.	W9-36 W13-3 W28-59 W57-20	0057-0058 0158 0303 0598
597.	Clarify that the requirements in § 7051(a) need not be separate clauses in the contract. Contract construction should be up to business.	No change has been made in response to this comment. The regulation is reasonably clear based upon the plain meaning of the words; it does not require separate verbatim provisions and does not unduly restrict contract construction. As explained in the ISOR, the purpose of § 7051 is to consolidate all the provisions that the CCPA requires be included in a business's contract with its service provider or contractor, which are listed in several different places throughout the CCPA; explain the consequence if those provisions are not included; and clarify the duties of a service provider, contractor, and business as it relates to the contract. ISOR, pp. 50-51.	W78-20 W78-23 W89-17	0864-0865 0867 0957
598.	Revise § 7051(a)(1) to add <u>underlined text</u>: "Prohibit the service provider or contractor from selling or sharing personal information it receives from, or on behalf of, the business, <u>unless otherwise permitted by the CCPA and these regulations</u>" to permit service providers to disclose personal information received on	No change has been made in response to this comment. The comment's proposed revision is inconsistent with the language, structure, and intent of the CCPA. The CCPA explicitly prohibits service providers and contractors from selling or sharing personal information collected pursuant to their written contracts with the business. *See* Civ. Code § 1798.140(ag)(1)(A) and (j)(1)(A)(i)). To the extent that the comment suggests that the CCPA permits a service provider or contractor to disclose personal information collected	W72-16	0802-0803

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	behalf of a business "to third parties in relation to providing fraud detection and prevention services."	pursuant to its written contract with the business to protect against fraud, revised § 7050(a)(4) provides sufficient guidance to businesses in relation to service providers' ability to retain, use, or disclose personal information to prevent, detect, or investigate data security incidents or protect against malicious, deceptive, fraudulent or illegal activity.		
599.	Comment claims that the contractual requirements in Civil Code § 1798.100 apply to the business, while the requirements Civil Code § 1798.140 apply to the service provider. Comment states that "service provider should not lose its protections under the statute" if its agreement with the business meets only the requirements in Civil Code § 1798.140. Proposes revising § 7051(a) to add the underlined text: "For both the business and the service provider or contractor to meet their requirements under the CCPA, the contract required by the CCPA shall:"	No change has been made in response to this comment. The comment proposes an interpretation of the CCPA that is inconsistent with the language, structure, and intent of the CCPA. The contractual requirements set forth in Civ. Code §§ 1798.100 and 1798.140 apply to the contract between the business and its service provider or contractor, and thus, it applies to both the business and service provider or contractor. The regulations are consistent with and implement these requirements. As set forth in the ISOR, the purpose of § 7051 is to consolidate all the provisions that the CCPA requires be included in a business's contract with its service provider or contractor, which are listed in several different places throughout the CCPA; explain the consequence if those provisions are not included; and clarify the duties of a service provider, contractor, and business as it relates to the contract. ISOR, pp. 50-51. It allows them to use the regulation as a checklist to ensure that all the statutorily required information is included in their contracts. ISOR, p. 50. This helps businesses, service providers, and contractors understand what is required of them and helps ensure their compliance with the CCPA, which ultimately benefits consumers. The comment's proposed change is unnecessary because the CCPA and regulations are reasonably clear that there must be an agreement in place between a business and a service provider or contractor that meets the requirements in § 7051(a).	W102-13	1083
600.	Revise §§ 7051(a)(3) to track the statute's requirements more closely, by adding the	No change has been made in response to this comment. Commenter's suggested revision is not more effective in carrying	W78-20 W78-23	0864-0865 0867

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	underlined and deleting the struck-through text: "(3) Prohibit the service provider or contractor from retaining, using, or disclosing the personal information received from, or on behalf of, the business for any purposes other than for the business purposes specified in the contract, including retaining, using, or disclosing the personal information for a commercial purpose. ~~Those specified in the contract or as otherwise permitted by the CCPA and these regulations.~~ This section shall list the specific business purpose(s) and service(s) identified in subsection (a)(2)." Comment also suggests deleting § 7051(a)(4).	out the purpose and intent of the CCPA. It provides less guidance for businesses, service providers, and contractors to help them understand what would be required of them, including by removing (1) the permission for service providers and contractors to retain, use, or disclose personal information "as otherwise permitted by the CCPA" and (2) the nuance that service providers and contractors are permitted to retain, use, or disclose for the commercial purpose that is the business purpose specified in the contract. As set forth in the ISOR, the purpose of § 7051 is to consolidate all the provisions that the CCPA requires be included in a business's contract with its service provider or contractor, which are listed in several different places throughout the CCPA; explain the consequence if those provisions are not included; and clarify the duties of a service provider, contractor, and business as it relates to the contract. ISOR, pp. 50-51. Subsections 7051(a)(3) and (4) were broken into separate requirements to make it easier for businesses to read and understand. ISOR, p. 51. This helps businesses, service providers, and contractors understand what is required of them and helps ensure their compliance with the CCPA, which ultimately benefits consumers.		
601.	Revise § 7051(a)(6) by changing "same" to "appropriate" and clarifying that service providers may "meet the CCPA level of protection" and that "meeting CCPA standards is sufficient," because requiring service providers to provide "the same level of privacy protection…" will create an impossible compliance regime for service providers and does not align with other privacy laws' requirements of processors or business associates.	No change has been made in response to this comment. The comment's interpretation of the CCPA, and its proposed change, is inconsistent with the language, structure, and intent of the CCPA. CCPA requires businesses to contractually (1) require service providers, contractors, and third parties to provide the same level of privacy protection as is required of businesses by the CCPA and these regulations; and (2) grant the business rights to take reasonable and appropriate steps to help ensure that the third party, service provider, or contractor uses the personal information transferred in a manner consistent with the business's obligations (*see* Civ. Code § 1798.100(d)(2), (3)). The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its	W46-4 W46-5	0478 0478-0479

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		scope. Regarding the comment's objection to the regulations lack of alignment with other privacy laws' requirements, the Agency seeks to harmonize with other privacy laws to the extent that doing so is consistent with, and furthers the intent and purposes of, the CCPA.		
– **§ 7051(a)(7)**				
602.	Comments propose clarifying or revising the regulations to allow service providers to use third-party audits, certifications, and validations; and existing documentation to fulfill the audit requirement in § 7051(a)(7). Another comment states that other state privacy laws allow processors to use a qualified and independent third party to conduct audits to ensure that the processor is meeting its obligations. Another comment suggests adding "or other party acting on its behalf" to § 7051(a)(7).	Accept in part. The Agency has revised § 7051(a)(7) to add "internal or third-party" to clarify that assessments, audits, and other technical and operational testing may be performed internally or by a third-party vendor. The CCPA requires businesses to contractually (1) require service providers, contractors, and third parties to provide the same level of privacy protection as is required of businesses by the CCPA and these regulations; and (2) grant the business rights to take reasonable and appropriate steps to help ensure that the third party, service provider, or contractor uses the personal information transferred in a manner consistent with the business's obligations. *See* Civ. Code § 1798.100(d)(2), (d)(3). CCPA's definitions of "contractor" and "service provider" include the concept that contractors and service providers will be subject to some type of monitoring by the business. *See* Civ. Code § 1798.140(ag)(1)(D), (j)(1)(C). Whether a particular assessment, audit, or other technical and operational test will be part of the reasonable and appropriate steps that a business must grant itself the right to take is a fact- and context-specific question. To the extent that the commenter seeks additional clarity, it likely requires a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. To the extent the comment suggests that the regulations should align with other states' laws, the Agency seeks to harmonize with other privacy laws to the extent that doing so is consistent with, and furthers the intent and purposes of, the CCPA.	W11-50 W46-6 W46-7 W68-18 W82-7 W82-9	0152-0153 0479-0480 0480-0481 0755 0896 0896

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
603.	Delete or revise § 7051(a)(7) to avoid suggesting that the compliance-monitoring steps in the definition of "service provider" are required, because the statute permits but does not require the commitments, and audits are burdensome and not warranted for most providers on a regular basis; costs would be disproportionate relative to consumer benefits, and consumers' costs may increase as a result. Suggested revisions include (1) tailoring compliance audits to account for practicality, cost, and burden on service providers; (2) "softening the prescriptiveness" to factor in complex and evolving technology, including service provider environments that may prohibit external system scans for data security and privacy purposes; and (3) incentivizing businesses to take reasonable measures to oversee service providers' compliance with contractual requirements. Another comment states that due diligence requirements will disadvantage small businesses, because small businesses cannot impose a right to audit upon large service providers, and submitting audits is costlier and more difficult for small service providers.	No change has been made in response to this comment. To the extent the comment suggests that § 7051(a)(7) mandates ongoing manual reviews, automated scans, technical testing, and audits every 12 months, or does not provide flexibility for businesses, the comment misinterprets the regulations. The regulations provide flexibility and discretion for businesses as to which steps are reasonable and appropriate (*e.g.*, considering evolving technology, relative risks; specific business practices, environments, and relationships; and costs), which helps to ensure that the regulations apply to a wide range of factual situations and across industries. This is evident from the regulations' use of the word "may." Ongoing manual reviews and automated scans of the service provider's system and regular internal or third-party assessments, audits, or other technical and operational testing at least once every 12 months included within § 7051(a)(7), as revised, are examples of steps a business may take to ensure that the service provider or contractor uses the personal information that it Collected pursuant to the written contract with the business in a manner consistent with the business's obligations under the CCPA and these regulations. The guidance provided in these regulations helps businesses, service providers, and contractors understand what is required of them and helps ensure their compliance with the CCPA, which ultimately benefits consumers. *See* ISOR, pp. 50-51. To the extent the comments suggest that businesses are not incentivized to take reasonable measures to oversee service providers' contractual requirements, the comment misinterprets the law and the regulations. The CCPA requires businesses to contractually require service providers and contractors to provide the same level of privacy protection as is required of businesses by the CCPA and these regulations; and grant businesses rights to take reasonable and appropriate steps to help ensure that the service provider or contractor uses the personal information transferred in	W17-10 W28-65 W46-7 W68-18 W69-21 W82-6 W82-8	0180-0181 0304 0480-0481 0755 0768 0896 0896

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		a manner consistent with the business's obligations (Civ. Code § 1798.100(d)(2), (3)). The regulations are consistent with those provisions. As explained in the ISOR, the purpose of § 7051 is to consolidate the provisions that must be included in a service provider or contractor's contract with the business, explain the consequences if they are not, and clarify the duties of a service provider, contractor, and business as it relates to the contract. ISOR, p. 50. Violations of the CCPA and these regulations may result in injunctions and administrative fines or civil penalties. *See*, *e.g.*, Civ. Code §§ 1798.155, 1798.199.90; § 7001(b). With respect to due diligence, *see* also Response # 553.		
604.	Cite to, or describe in more detail, the phrase in § 7051(a)(7): "in a manner consistent with the business's obligations under the CCPA and these regulations."	No change has been made in response to this comment. The regulation is reasonably clear based upon the plain meaning of the words. The Agency has determined that no further clarification is needed at this time. The regulations provide general guidance regarding how to comply with the CCPA and gives businesses flexibility and discretion to apply the law and these regulations, which helps to ensure that the regulations apply to a wide range of factual situations and across industries. To the extent that the commenter seeks additional clarity, it likely requires a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W97-31	1070
– **§ 7051(a)(8)**				
605.	Section 7051(a)(8) requires contracts to include a 5-day notice provision of non-compliance. Though this is required by law, the number of days are not included in the statute. This is a cost that should have been addressed in a SRIA.	Accept in part. This subsection has been revised to delete the 5-day notice provision, and thus, this comment is now moot.	W9-37 W13-3 W57-20	0058 0158 0598
606.	Delete or revise § 7051(a)(8)'s requirement that contracts specify a five-day time	No change has been made in response to this comment.	W9-37 W9-42	0058 0009

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	period for a service provider or contractor to notify a business that it can no longer meet its obligations under the CCPA, because it (1) is not required by the statute, (2) would impose burdens, including reviewing and modifying of each contract with a service provider or contractor, (3) does not have a clear consumer benefit where businesses have imposed contract terms consistent with those contemplated by the statute, and (4) businesses should be able to determine sensible deadlines based on their business and contract. Suggested revisions include replacing the five-day requirement with "promptly" or with a 10+-business-day window.	The Agency has modified §§ 7051(a)(8) and 7053(a)(6) to delete the reference to five days, and thus, this comment is now moot.	W10-20 W17-12 W28-60 W28-61 W52-7 W52-37 W68-18 W69-25 W78-22 W89-19	0111-0112 0182 0301, 0303 0303 0528 0539 0755 0769 0866-0867 0958
– **§ 7051(a)(9)-(10)**				
607.	Delete or revise § 7051(a)(10) because (1) the statute permits service providers to either respond to consumer rights requests that the business sends to them or enable the business to respond to those requests; and (2) businesses are unlikely to have explicitly stated this in existing agreements because the CPRA doesn't require it, and it isn't necessary. Another comment states that requiring businesses to inform service providers of any consumer CCPA request should not have to be included in contracts, because it creates unnecessary liability for businesses with the service provider for an	Accept in part. The Agency has revised § 7051(a)(10) to reflect that a service provider or contractor may utilize self-service methods that enable the business to comply with consumer requests directly, with respect to the personal information that the service provider or contractor collected pursuant to its written contract with the business. This revision conforms the regulation to the language in the CCPA. *See* Civ. Code §§ 1798.105(a), (c)(3) and 1798.130(a)(3)(A). The comment's objection to the contractual requirement and contention that it creates unnecessary liability for businesses rely upon interpretations of the CCPA that are inconsistent with the language, structure, and intent of the CCPA. As explained in the ISOR, § 7051(a) sets forth all the provisions that must be included in a service provider or contractor contract, which are necessary because the requirements are listed in several different places throughout the CCPA; and consolidating all the	W10-30 W17-3 W17-7 W17-8 W28-62 W89-17	0119 0176-0179 0179 0179-0180 0301, 0303 0957

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	obligation where there is already accountability with the Agency.	requirements into one place helps businesses, service providers, and contractors understand what is required of them. ISOR, pp. 50-51. Moreover, this subsection provides clarity to the parties to the agreement, which helps each entity understand what is required of it, which aids compliance and therefore benefits consumers.		
– **§ 7051(c)**				
608.	Comments recommend deleting or amending § 7051(c) because (1) it is unnecessary and the statute already requires an agreement or written contract between the parties; (2) it doesn't conform to the statutory requirements in Civil Code § 1798.100(d); and (3) it would "improperly convert" service providers' or contractors' relationships with businesses into third party relationships with businesses, based upon a failure to have a contract that fully complied with subsection 7051(a). Comments allege that the conversion of the relationship would have harsh consequences, including compliance burdens associated with treating the personal information being disclosed as a "sale" or "sharing," result in "a double penalty," impose additional legal obligations pursuant to § 7052, which is punitive and unreasonable. Businesses should have a reasonable opportunity to address contract issues, and whether there is a sale or sharing should be analyzed on a case-by-case basis. Another comment proposes that a person who has a contract	No change has been made in response to this comment. Subsection 7051(c) has been moved and is now § 7050(e). Deleting or modifying this regulation would not be more effective in carrying out the purpose and intent of the CCPA. As explained in the ISOR, the purpose of § 7051 is to consolidate all the provisions that the CCPA requires in a business's contract with its service provider or contractor, which are listed in several different places throughout the CCPA; explain the consequence if those provisions are not included; and clarify the duties of a service provider, contractor, and business as it relates to the contract. ISOR, pp. 50-53. It helps businesses, service providers, and contractors understand what is required of them and helps ensure their compliance with the CCPA, which benefits consumers. Section 7051(c), now § 7050(e), is necessary to explain the consequence of not complying with the CCPA in having the requisite contract in place. It is consistent with the CCPA definitions of "contractor" and "service provider," which explicitly require them to have agreements in place that meet statutory requirements. *See* Civ. Code § 1798.140(j), (ag). If a person does not have an agreement in place that meets the requirements set forth in Civil Code § 1798.140(j), (ag), that person cannot, by definition, be a contractor or service provider. They are a "third party," according to Civil Code § 1798.140(ai), and thus, a business's disclosure of personal information to that third party may be considered a "sale" or "sharing" of personal information for which the business must provide the consumer a right to opt-out of sale/sharing. *See* Civ. Code § 1798.140(ad), (ah). The Agency cannot	W10-15 W10-16 W11-41 W11-42 W28-57 W28-63 W28-64 W75-22 W78-23 W82-10 W89-18	0108, 0119 0108, 0119 0151 0151-0152 0303 0301, 0303 0303-0304 0826-0827 0867 0896 0958

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	that "reasonably complies" with § 7051(a) may be a service provider or contractor. Another comment claims that this "regulatory layering" is not consistent with other states' laws and that the GDPR holds processors responsible for their own violations of law.	implement regulations that alter or amend a statute or enlarge or impair its scope. Whether a business has in fact "sold" or "shared" personal information requires a fact-specific determination, hence, the use of the word "may" within the regulation. To the extent the comment suggests that the regulations are not aligned with the requirements in Civil Code § 1798.100(d), or impose additional legal obligations or harsh consequences upon a person to whom a business "sells" or "shares" personal information—in part because that person does not have a written contract with the business that complies with the requirements of § 7051(a)—the comment misinterprets the law and these regulations. As noted above, the CCPA imposes the legal obligations, and the regulations are consistent with CCPA. To the extent the comment suggests that businesses should have a reasonable opportunity to address contract issues, the Agency notes that one of the enumerated purposes of CCPA is to hold businesses accountable through vigorous administrative and civil enforcement (Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), § 3(C)(7)). The Agency may also exercise prosecutorial discretion if warranted, depending on the particular facts at issue. Prosecutorial discretion permits the Agency to choose which entities to investigate and whether to initiate an administrative action. How the Agency decides to exercise its enforcement authority is a context-specific, fact-specific, discretionary decision. Proposed regulation § 7301(b) recognizes that, as part of the Agency's decision to pursue investigations of possible or alleged violations of the CCPA, it may consider all facts it determines to be relevant, including good faith efforts to comply with the law. To the extent the comment objects to the regulations' deviations from other states' laws or the GDPR, the Agency seeks to harmonize with other privacy laws to the extent that doing so is consistent with, and furthers the intent and purposes of, the CCPA.		

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
609.	Recommends clarifying that a business's disclosure of personal information to a person who does not have a contract that complies with § 7051(a) "generally would" be considered a sale or sharing of personal information, alleging that replacing "may" with "generally would" would avoid bad faith arguments that such persons are not third parties.	No change has been made in response to this comment. Subsection 7051(c) has been moved and is now § 7050(e). The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. As explained in the ISOR, the purpose of this regulation is to inform businesses of the consequences of failing to have the required contract in place. ISOR, p. 51. Whether a business actually "sold" or "shared" personal information requires a fact-specific determination, and thus, saying "generally would" versus "may," would not make a significant difference. The proposed modification is not necessary.	W102-14	0183
– **§ 7051(e)**				
610.	Section 7051(e) says that a business that does not conduct due diligence may factor into whether the business has reason to believe that the service providers and contractors are using information in violation of CCPA. This is a cost that should have been addressed in a SRIA.	No change has been made in response to this comment. This subdivision does not create a cost as it clarifies a factor that may be considered when evaluating if a party is violating existing law. There is no regulatory cost to address in a SRIA.	W9-38 W13-3 W57-20	0058-0059 0158 0598
§ 7052. Third Parties				
– **Comments generally about § 7052**				
611.	Comment supports inclusion of § 7052 because it outlines how third parties must revert to the role of service providers when they receive a consumer's opt-out signal and helps ensure that third party partners clearly understand their obligations while not placing the burden on publishers for compliance by the entire ecosystem.	No change has been made in response to this comment. This section has been deleted, and thus, this comment is now moot.	W40-6 O9-4	0412 D1 31:16-31:23
612.	Comment recommends that § 7052 be updated to clarify that third parties must also comply with correction and access	No change has been made in response to this comment. This section has been deleted, and thus, this comment is now moot. Further, § 7025(b), as revised, appropriately addresses comment's suggestion. Under this subsection, a third party shall comply with	W60-13 W60-48	0629 0646

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	requests, and proposes corresponding modifications.	the terms of the contract required by the CCPA, and these regulations, which include treating the personal information that the business made available to it in a manner consistent with the business's obligations under the CCPA and these regulations. No further clarification is necessary at this time.		
– **§ 7052(a), (b)**				
613.	Section 7052(a) and (b) require third parties to comply with forwarded requests to delete, requests to opt-out of sale/sharing, and requests to limit. This is a cost that should have been addressed in a SRIA.	No change has been made in response to this comment. For the purposes of its economic analysis the Agency looked to the legal environment that consists of existing California Law as well as other relevant privacy obligations to comprise the baseline economic conditions for the proposed regulations. The analysis contemplated whether the regulation created obligations not found in existing law. A SRIA addresses economic impacts caused by the proposed regulation and should not include the baseline costs associated with existing law or regulations. Civ. Code § 1798.100(d) mandates businesses to contractually require third parties to whom it sells or shares personal information to provide the same level of privacy protection as is required of businesses and to treat the personal information received in the same manner as it required of the businesses by the CCPA and these regulations. This subsection does not generate new requirements beyond what is specified in the statute. Thus, there are no regulatory costs to address in a SRIA.	W9-39 W9-40 W13-3	0059 0059-0060 0158
614.	Comment recommends clarifying that third parties may decline requests to delete passed on to them for the bases described in Civil Code § 1798.105(d). Section 7052(a) does not expressly permit the third party to decline to delete the personal information for reasons listed under Civil Code § 1798.105(d) independent of the business's determination. Comment also proposes revisions to this subsection to	No change has been made in response to this comment. This subsection has been deleted, and thus, this comment is now moot.	W30-23 W52-70 W72-17 W75-15	0340 0556-0557 0803 0821-0822

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	more closely align it with the CCPA. Claims that third parties may rely on exemptions to deletion requests and have different verification procedures. Another comment suggests modifying to permit third parties to comply with consumer requests in accordance with the business and its schedule and retention practices.			
615.	Comment proposes modifications to § 7052(b) to clarify that the request to limit includes the language "the use of the consumer's SPI" and that the reference to subsection (*l*) is modified to state "section 7052, subsection (*l*)."	No change has been made in response to this comment. This subsection has been deleted, and thus, this comment is now moot.	W90-37 W90-38	1025 1025
– **§ 7052(c)**				
616.	Section 7052(c) requires third parties that collect personal information online to honor opt-out preference signals. This is a cost that should have been addressed in a SRIA.	No change has been made in response to this comment. This subsection has been deleted, and thus, this comment is now moot.	W9-41 W13-3	0060 0158
617.	Section 7052(c) exceeds the legal requirements of CPRA and presents substantial technical and practical implementation challenges. These challenges will likely hinder the Agency's goal of ensuring that opt-out preference signals are honored in a clear and consistent manner and lead to confusion. Third parties that do not sell or share personal information would also have responsibility under the proposed regulations and have no means to act on	No change has been made in response to this comment. This subsection has been deleted, and thus, this comment is now moot.	W75-18 W75-19	0824-0825 0824-0825

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	the signals. Lastly, the regulations would create an incentive to have data sent to third parties indirectly to avoid liability, which undermines consumer transparency. Comment recommends deleting this requirement.			
§ 7053. Contract Requirements for Third Parties				
– **Comments generally about § 7053**				
618.	Supports § 7053, because it is important to ensure that the rules and rights under the CCPA are adequately enforced and to limit the flow of information to entities beyond the business with which the user directly interacts.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W60-14	0630
619.	Clarify whether § 7053 applies to third parties not located in California.	No change has been made in response to this comment. These regulations address the privacy rights of consumers under the CCPA, and a consumer is specifically defined by the law as a California resident. The Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on this issue is necessary.	W72-18	0803
– **§ 7053(a)**				
620.	Supports § 7053(a)(1) and notes that it is consistent with Civil Code § 1798.100(d)(1).	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W90-39	1026
621.	Section 7053(a)(6) requires third party contracts to include 5-day notice provision. This is a cost that should have been addressed in a SRIA.	Accept in part. This subsection has been revised to delete the 5-day notice provision, and thus, this comment is now moot.	W9-42 W13-3	0060 0158

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
622.	Comment suggests including clarifying the notion of "average consumer."	No change has been made in response to this comment. The phrase "average consumer" has been deleted in response to other comments, and thus, this comment is moot.	W85-3	0929-0930
– **§ 7053(b)**				
623.	Comment supports holding third parties and similar intermediaries responsible for honoring and transmitting opt-out signals, as a means of mitigating loss/mistransmission of opt-outs.	No change has been made in response to this comment. Subsection 7053(b) has been deleted, and thus, the comment is now moot.	W27-1 O7-1	0256-0257 D1 25:9-25:18
624.	Section 7053(b) requires third party contracts to obligate third parties to check for opt-out preference signals. This is a cost that should have been addressed in a SRIA.	No change has been made in response to this comment. This subsection has been deleted, and thus, this comment is now moot.	W9-43 W13-3	0061 0158
625.	Clarify that a business complying with § 7053(b)'s requirement—to contractually require the third parties that collect personal information from a consumer on the business's website to check for and comply with a consumer's opt-out preference signal—satisfies the business's obligations under § 7026(f)(3), to notify these third parties of opt-out requests. If all of the sale/sharing of personal information is from the website for consumers, and the business has required those third parties to check for and honor opt-out preference signals, then requiring the business to forward consumers' requests to opt-out to those third parties would be duplicative.	No change has been made in response to this comment. Subsection 7053(b) has been deleted, and thus, the comment is moot.	W84-18	0923
– **§ 7053(d)-(e)**				
626.	Delete § 7053(d) because its requirement that a third party shall comply with the	No change has been made in response to this comment. Section 7053(d) is now § 7052(b), but the purpose and necessity set forth in	W102-18	1084

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	terms of the contract required by the CCPA and these regulations is inconsistent with, or redundant of, the CPRA.	the ISOR still applies. Namely, the third party must comply with the terms of the contract required under § 7053. ISOR, p. 54. Those terms include treating the personal information at issue in a manner consistent with the business's obligations under the CCPA and these regulations, which is consistent with, *e.g.*, Civil Code § 1798.100(d)(2). Subsection 7052(b) is necessary to make clear that a failure to comply with the contract is a violation of the CCPA enforceable by the Agency and the Attorney General's Office. ISOR, p. 54; FSOR, p. 30.		
627.	Section 7053(e) says that a business that does not conduct due diligence may factor into whether the business has reason to believe that the third party is using information in violation of CCPA. This is a cost that should have been addressed in a SRIA.	No change has been made in response to this comment. This subdivision does not create a cost as it clarifies a factor that may be considered when evaluating if a party is violating existing law. There is no regulatory cost to address in a SRIA.	W9-44 W13-3 W57-20	0061 0158 0598
ARTICLE 5. VERIFICATION OF REQUESTS				
– **Comments Generally about Article 5**				
628.	Regulations allow businesses to use confusing identity verification processes, such as uploading images and passing quizzes. Regulations should limit the verification pathways allowed, or mandate a baseline, to make it practical for consumers to exercise their right to know and right to delete.	No change has been made in response to this comment. In drafting these regulations, the Attorney General's office considered the impact of more prescriptive verification requirements and rejected that approach because it could not adequately provide guidance across different businesses and industries over the course of time, and that the reasonable method standard was best suited across the wide variety of covered businesses. The Agency agrees with this approach. The regulations provide businesses with discretion and guidance to determine a reasonable method for verifying consumer requests taking into account the type, sensitive, and value of the personal information at issue, the risk of harm to the consumer, among other things. *See* § 7060(b). The comment's proposal is not more effective in carrying out the purpose and intent of the CCPA because it is too prescriptive and does not account for different	W19-1 W19-2 O6-1	0197-0198 0197 D1 21:10-21:19

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		factual situations and industries involved. For example, certain businesses may require a more stringent verification pathway because of the sensitive nature of the personal information at issue, while other businesses may not have those considerations.		
629.	Required methods for verifying consumer requests could be burdensome on small businesses and the Agency should recognize a business's resources and capabilities when determining whether a business's verification process is reasonable.	No change has been made in response to this comment. The Agency has made efforts to limit the burden of the regulations while implementing the CPRA. The regulations are meant to be robust and applicable to many factual situations and across industries. The regulations provide businesses with guidance and flexibility in establishing a reasonable method for verification. For example, § 7061(a) allows businesses to verify a consumer's identity through the business's existing authentication practices for the consumer's account for password-protected accounts, provided that the requirements in § 7060 are followed. Section 7060(c) also identifies six factors for businesses to consider when determining their method of verification, which include the manner in which the business interacts with the consumer and available technology for verification.	W32-10	0349
630.	The Agency should draft guidance favoring a risk-based verification process for responding to requests. Adherence to this guidance should be considered in creating a safe harbor provision for businesses to provide certainty for liability when responding to requests.	No change has been made in response to this comment. Section 7060(c)(3) already requires that businesses consider several risk-based factors, such as the sensitivity of personal information, the risk of harm to the consumer posed by any unauthorized deletion, correction, or access, and the likelihood that fraudulent or malicious actors would seek the personal information. These factors and the other requirements in Article 5 of these regulations provide sufficient guidance and flexibility to businesses on how to verify requestors' identities. The Agency has determined that the proposed safe harbor also does not further the purposes of the CCPA and is not more effective than the current regulations in ensuring that consumers' personal information is not compromised.	W32-11	0349

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
631.	Asks if a business will be held harmless if it denies a request based on a good faith belief that the requestor is unverified or a lack of information to verify. Businesses may avoid California without such safe harbor provisions.	No change has been made in response to this comment. Compliance with the CPRA and the regulations is a fact-specific determination. The regulations already specify that if a business cannot verify a consumer they may deny the request and in certain instances shall deny the request. *See generally*, §§ 7021(b), 7062(f).	W32-8 W32-9	0349 0349
§ 7060. General Rules Regarding Verification				
– **Comments generally about § 7060**				
632.	Requests to delete may be denied due to consumers changing authenticating information, like a phone number or street address. Comment proposes requiring authentication through emailing or text messaging a secure access code to the contact information on file with a business.	No change has been made in response to this comment. In drafting these regulations, the Attorney General's office considered the impact of more prescriptive verification requirements and rejected that approach because it could not adequately provide guidance across different businesses and industries over the course of time, and that the reasonable method standard was best suited across the wide variety of covered businesses. The Agency agrees with this approach. The regulations provide businesses with discretion and guidance to determine a reasonable method for verifying consumer requests taking into account the type, sensitive, and value of the personal information at issue, the risk of harm to the consumer, among other things. *See* § 7060(b). The comment's proposal is not more effective in carrying out the purpose and intent of the CCPA because it is too prescriptive and does not account for different factual situations and industries involved. For example, certain businesses may require a more stringent verification pathway because of the sensitive nature of the personal information at issue, while other businesses may not have those considerations.	W2-6	0009
633.	Comment states that the requirement to explain to the requestor the reason for denial of a request on suspicion of fraud exposes underlying authentication tools and processes. Comment proposes alternative language for the exemption to	No change has been made in response to this comment. For the reasons set forth in the ISOR, the Agency determined that the requirement to inform the consumer of the reason for denial of the request benefits both businesses and consumers by minimizing the use of requests for fraudulent or improper purposes and further benefits consumers by informing them of the reason their request	W26-1 W26-2	0250-0251 0251

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	align with other privacy laws to ease business compliance and secure consumer protection.	was denied. *See* ISOR p.27. Further, the regulations provide the business with discretion in determining how to inform the consumer of the reason for denial of the request, provided it complies with CCPA. The verification process is required to be described "in general" to benefit consumers by providing them a high-level understanding of the verification process while reducing the burden on businesses and minimizing the risk of fraud or malicious activity.		
– **§ 7060(a)**				
634.	Comment asks whether using a "reasonable method" to verify a request protects a business from liability if request is fallacious.	No change has been made in response to this comment. The regulations outline the specific requirements that a business must consider when determining the method by which the business will verify the consumer's identity, such as the factors outlined in § 7060(c) that require a business's consideration of the likelihood that fraudulent or malicious actors would seek the personal information. Compliance with CCPA and the regulations is a fact-specific determination. To the extent this comment seeks legal advice regarding the CCPA, the comment is irrelevant to the proposed rulemaking action. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W32-7	0349
– **§ 7060(b)**				
635.	Comment provides general support for § 7060(b).	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W60-17	0630
636.	Under § 7060(b) businesses cannot require a consumer to verify their identity to make a request to opt-out of sale/sharing or to make a request to limit the use of sensitive personal information. An exception to this rule should be included where the sharing of personal information or use of sensitive	No change has been made in response to this comment. The Agency has determined that the recommendation is: (1) not authorized by the CCPA, (2) does not further the purposes of the CCPA, or (3) contradicts discretionary policy determinations implemented by these regulations. The CCPA does not require verification for the right to opt-out or the right to limit, and the Agency cannot implement regulations that alter or amend a statute	W41-17 W53-23 W59-63	0423 0566-0567 0616

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	personal information is necessary to support a product or service previously requested by consumer, or where fraudulent requests may detrimentally affect consumers.	or enlarge or impair its scope. To the extent that the Agency has discretion on this issue, the comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. A fundamental principle of the CCPA is to give consumers the ability to control the use of their personal information, including limiting the use of their sensitive personal information. *See* Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), § 3(A)(2). Civil Code § 1798.185(a)(4) tasks the Agency with establishing rules and procedures that facilitate and govern requests to limit to ensure that consumers can exercise their choice "without undue burden." The risk of fraud raised by the comments appears theoretical and the Agency has determined that it is outweighed by the burden on consumers if the business were to require verification, and thus, insert friction into the process of making a request to limit. In addition, even assuming there is a risk of fraud, consumers would still receive the product or service they expect from the business, just a product or service that does not use sensitive personal information. Further, the comments appear to describe situations that may fall under exceptions to right to opt-out or right to limit. *See* Civ. Code. §§ 1798.140 (definition of sale); 1798.121. Whether these situations fit under those exceptions is a fact-specific and contextual determination. The Agency will continue to monitor the implementation of the right to limit to determine whether modifications to this regulation are necessary.		
637.	Delete the final two sentences in § 7060(b) which may allow for businesses to insert pop-ups, especially in response to universal opt-out preference signals.	No change has been made in response to this comment. The right to opt-out does not require verification. Section 7025(f)(3) specifies the limited situations in which a business may insert interstitial content in response to an opt-out preference signal. *See* ISOR p.38. Businesses must otherwise comply with § 7004.	W90-40	1027
– **§ 7060(d)**				
638.	Comment requests illustrative examples to demonstrate how and under what	No change has been made in response to this comment. The regulation is meant to apply to a wide range of factual situations,	W60-15	0630

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	circumstances a business can request additional information to verify a request.	and comprehension may be contextual and specific to the industry or business. Sections 7060-7062 provide guidance for how to verify requests and businesses have discretion in determining how to comply with these regulations in the way that best suits their business. The Agency has determined that no further clarification is needed at this time.		
– **§ 7060(e)**				
639.	Under § 7060(e), businesses are prohibited from requiring a consumer pay a fee for verifying a request, but businesses are requiring notarized affidavits without an adequate reimbursement system.	No change has been made because the comment is not directed at any proposed regulation or the rulemaking procedures followed. Section 7060(e) clearly prohibits businesses from requiring payment of a fee or a notarized affidavit, without compensation, for the verification of their request. Consumers may report a complaint about a business to the Attorney General's office at https://oag.ca.gov/contact/consumer-complaint-against-business-or-company.	W55-2	0579
– **§ 7060(f)**				
640.	Comment generally supports verification security measures to protect against unauthorized requests.	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W60-16	0630
§ 7062. Verification for Non-Accountholders.				
– **§ 7062(d)**				
641.	Comment requests deletion of "or correction of the spelling of a name" and alleges name corrections may lead to identity theft.	Accept in part. The Agency has revised the example provided in this regulation to refer to the correction of marital status instead of the spelling of a name because the correction of marital status more clearly demonstrates a situation where the business may verify the identity of the consumer to a reasonable degree of certainty.	W59-64	0616
– **§ 7062(e)**				
642.	To avoid bad-faith request denials under a claim of fraud prevention, amend illustrative example 2 to account for businesses who collect personal	No change has been made in response to this comment. The regulation provides the business with discretion in determining how to verify requests from non-accountholders and is meant to apply to a wide range of factual situations and across industries.	W102-20	1084-1085

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	information about consumers, but not personally identifiable information, as in the case of a device shared among household members.	The regulation requires a business verify the identity of the consumer making the request to a reasonably high degree of certainty and provides examples that satisfy that standard. The Agency does not believe it will add clarity to provide additional detail to Example 2 in § 7062(e) at this time. Household data is exempt from the obligations of Civil Code §§ 1798.106-1798.115 under Civil Code § 1798.145(p).		
§ 7063. Authorized Agents				
– **Comments generally about § 7063**				
643.	Comment suggests limiting "authorized agent's" ability to submit requests on a consumer's behalf to only apply to minors and elderly or incapacitated consumers.	No change has been made in response to this comment. Civil Code § 1798.185(a)(7) tasks the Agency to "[e]stablish rules and procedures…to facilitate a consumer's or the consumer's authorized agent's ability to delete personal information, correct inaccurate personal information…, or obtain information…, with the goal of minimizing the administrative burden on consumers…" The CCPA does not provide for the comment's proposed limitation of the use of authorized agents. Moreover, the guiding principles for Prop. 24 include that consumers and their authorized agents should be able to exercise their rights through easily accessible self-serve tools. *See* Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), § 3(A)(4) and § 3(B)(4). The Agency believes the comment's proposed change is inconsistent with the language, structure, and intent of the CCPA.	W5-10	0026
644.	Comment requests that financial institutions be given explicit regulatory authorization to use a risk-based approach in responding to authorized agent requests in order to minimize risk of unintentional release of consumer sensitive personal information.	No change has been made in response to this comment. This change is unnecessary because businesses already have discretion under § 7060 to take into consideration the type of personal information and the risk of harm. Businesses also have the discretion to require the consumer to verify their identity directly with the business. The comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA because it will likely be abused and used in a way that will limit or halt use of authorized agents, which is contrary to the explicit	W35-24	0375

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		purpose of the CCPA. *See* Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), § 3(A)(4) and § 3(B)(4).		
645.	Comment requests clarity whether "signed permission" must be written or electronic.	No change has been made in response to this comment. The regulation is reasonably clear. Section 7001(ff) defines "signed" to include a written attestation, declaration, or permission provided electronically in accordance with the Uniform Electronic Transactions Act, Civil Code § 1633.1 *et seq.*	W60-18	0630
– **§ 7063(b)**				
646.	Comment expresses concern that the "authorized agent" provisions allow opportunity for fraud by only requiring a signature rather than a power of attorney or notarized signature. Comment requests reinstatement of requirement for authorized agent to act with power of attorney and provide evidence to that effect, or permitting businesses to require a power of attorney to use an authorized agent.	No change has been made in response to this comment. The comment's interpretation of the regulation is inconsistent with the regulation's language as originally written, and thus supports the need for the clarification in § 7063(b). As explained in the ISOR, including language that a business shall not require that a power of attorney be the only way by which a consumer may use an authorized agent to act on their behalf is necessary to address abuses in the marketplace and clear up any confusion regarding this issue. ISOR, p. 56. Power of attorney was never meant to be the only way in which a consumer can use an authorized agent. Such an interpretation would render subsection (a) obsolete. Subsection (b) simply provides that the requirements for verification under subsection (a) do not apply to an individual that has the consumer's power of attorney because the agent is already acting in accordance with established laws concerning powers of attorney. Moreover, the comment's proposed change is inconsistent with the language, structure, and intent of the CCPA. The guiding principles for Prop. 24 explicitly state that consumers and their authorized agents should be able to exercise their rights through easily accessible self-serve tools. *See* Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), § 3(A)(4) and § 3(B)(4). Requiring power of attorney for all authorized agents would unduly burden consumers in their ability to exercise their CCPA rights.	W11-52 W35-25 W43-25 W45-27 W52-28	0153 0375 0442 0472 0534

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
647.	Comment asserts that the requirement of a power of attorney for an authorized agent is unnecessary, burdensome, costly, and reduces ability of consumers to assert their right to request.	No change has been made in response to this comment. As explained in the ISOR, including language that a business shall not require that a power of attorney be the only way by which a consumer may use an authorized agent to act on their behalf is necessary to address abuses in the marketplace and clear up any confusion regarding this issue. ISOR, p. 56. Power of attorney was never meant to be the only way in which a consumer can use an authorized agent. Such an interpretation would render subsection (a) obsolete and would be inconsistent with the language, structure, and intent of the CCPA. *See* Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), § 3(A)(4) and § 3(B)(4). The purpose of subsection (b) is to explain that the requirements for verification under subsection (a) do not apply to an individual that has the consumer's power of attorney because the agent is already acting in accordance with established laws concerning powers of attorney.	W55-4 W55-5	0581-0582 0581
648.	Some businesses require consumers to sign into their account to effectuate a consumer request, potentially forcing a consumer to create an account and effectively impeding a consumer's right to authorize an agent to submit requests on their behalf. Businesses also have required consumers to authenticate and receive a second factor for authentication for every communication with the consumers' agents, and should be considered a dark pattern when used after the consumer's identity and the validity of the request have been verified.	No change has been made in response to this comment. Civil Code § 1798.130(a)(2)(A) gives businesses the option of requiring the consumer to use their existing account to submit verifiable consumer requests, but prohibits the business from requiring the consumer to create an account with the business. Accordingly, § 7063(a) allows businesses to require the consumer to verify their own identity directly with the business and § 7061(a) allows businesses to verify a consumer's identity through the business's existing authentication practices for the consumer's account, provided that the business follows the requirements in § 7060. These regulations were implemented in accordance with the express provisions of the CCPA and to protect consumers from unauthorized disclosure and require businesses to use reasonably security measures to protect consumers' personal information and accounts, while reducing costs on businesses. *See* Department of Justice, Attorney General's Office, *Final Statement of Reasons*, at	W55-4 W55-6 W55-7	0581-0582 0581-0582 0582

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		pp. 25, 46 (June 1, 2020). With respect to the use of authentication emails for each communication with an agent, businesses are prohibited under proposed § 7004(a)(5) from adding unnecessary burden or friction to the process by which the consumer submits a CCPA request. Further analysis is required to determine whether additional regulation on this issue is necessary.		
ARTICLE 6. SPECIAL RULES REGARDING CONSUMERS UNDER 16 YEARS OF AGE				
– **Comments generally about Article 6**				
649.	Comment appears to support the fact that the regulations make no reference to age verification in Article 6.	No change has been made in response to this comment. The Comment appears to support that the proposed regulations do not reference age verification because its own criteria state that age verification should be ephemeral and anonymous, so age is not remembered. Agency makes no statement regarding the ISL framework.	W58-12	0603
650.	Comment urges the Agency to support legislation that provides stronger protections for children and teens. Children under 16 have rights only when a business has "actual knowledge" of their age.	No change has been made in response to this comment. The comment is not directed at the proposed regulations, or the rulemaking procedures followed. The Agency continues to monitor this area of law, including whether the passage of AB 2273, the California Age-Appropriate Design Code Act, addresses these concerns.	W47-1	0483
651.	Article 6 should require options and disclosures presented to children be understandable to and directed at children.	No change has been made in response to this comment. The comment is not directed at the proposed regulations, or the rulemaking procedures followed. The CCPA does not require notices to be tailored to children. *See* Civ. Code §§ 1798.130 (notice), 1798.120(c) (opt-out of sale), § 1798.135 (limiting sale, sharing, and use of personal information). The Agency continues to monitor this area of law, including whether the passage of AB 2273, the California Age-Appropriate Design Code Act, addresses these concerns.	W23-11	0226
652.	Define "actual knowledge" to include "willfully disregard" because Civil Code § 1798.120(c) states that a business that	No change has been made in response to this comment. The Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist	W47-2	0484

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	willfully disregards the consumer's age shall be deemed to have had actual knowledge of the consumer's age. Comment suggests a definition for "actual knowledge."	in the immediate implementation of the law. Further analysis is required to determine whether a regulation on this topic is necessary. The Agency continues to monitor this area of law, including whether the passage of AB 2273, the California Age-Appropriate Design Code Act, addresses these concerns.		
653.	Clarify the responsibilities of a business once it has actual knowledge that a consumer is under 16 years of age. Civil Code § 1798.120(c) implies that a business may continue to sell or share a consumer's personal information until it has actual knowledge that the consumer is under the age of 16. It also implies that the business must stop selling or sharing such information until it obtains consent. These two implications should be explicit.	No change has been made in response to this comment. The Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on this topic is necessary. The Agency continues to monitor this area of law, including whether the passage of AB 2273, the California Age-Appropriate Design Code Act, addresses these concerns.	W47-3	0484-0485
654.	Correct "COPPA" definition to include language that would account for any amendments made to the federal statute, all regulations, any amendments to regulations, and future regulations.	No change has been made in response to this comment because the comment is not directed at any proposed regulation or the rulemaking procedures followed. *But see* Response # **Error! Reference source not found.** regarding a correction to the citation of COPPA.	W47-5	0485
§ 7070. Consumers Less Than 13 Years of Age				
– **Comments generally about § 7070**				
655.	Specify the time when a business must inform the parent or guardian of consumers under 13 that they may opt out of the sale or sharing of personal information on behalf of their child when a business receives consent to the sale or sharing of personal information in § 7071. "When" should be specified to "within 48 hours."	No change has been made in response to this comment. The Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on this topic is necessary. The Agency continues to monitor this area.	W47-6	0485

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
656.	Remove requirement for parental consent for the sale or sharing of personal information for consumers under 13 years of age as required in § 7070 because it is duplicative of federal COPPA requirements.	No change has been made in response to this comment. COPPA requires operators to provide notice and obtain consent from the parents of a child under 13 for the "collection, use, or disclosure" (15 U.S.C. § 6502(b)(1)(A)(ii)). COPPA does not address the sale of personal information, as required in Civil Code § 1798.120(c).	W57-13	0595
§ 7071. Consumers at Least 13 Years of Age and Less Than 16 Years of Age				
– **Comments generally about § 7071**				
657.	Amend title of § 7071, entitled "Consumers 13 to 15 Years of Age" to "Consumers 13 years of age and less than 16 years of age," because subsections (a) and (b) use the latter.	Accept. The Agency has modified the title of § 7071 to mirror the language used within § 7071(a) and (b): "Consumers at least 13 years of age and less than 16 years of age." *See* Civ. Code § 1798.120(c). This is a non-substantive change so language remains consistent across the regulations.	W47-7	0485
658.	Establish a specific timeframe, instead of "at a later date," by when a business must inform consumers between the age of 13 and 16 of their right to opt out of the sale or sharing of their personal information after they have opted in.	Accept in part. Section 7071(b) was modified to clarify that when a business receives consent to opt-in to the sale or sharing of personal information from a consumer at least 13 years of age and less than 16 years of age, the businesses must inform the consumer of their ongoing right to opt-out of the sale or sharing of personal information at any point in the future. This information must be provided to the consumer at the time of consent and does not need to be provided to the consumer at an additional point the future, as suggested by the comment.	W47-8	0486
ARTICLE 7. NON-DISCRIMINATION				
– **Comments generally about Article 7**				
659.	Comments support Article 7 protecting not only consumers' rights to privacy, but also their ability to exercise those rights. Comments state the examples in this section are particularly useful and clarify for both businesses and consumers which practices are allowed under law. They make clear that services such as loyalty programs,	The Agency appreciates these comments of support. No change has been made in response to these comments. The comments concurred with the proposed regulations, so no further response is required.	W60-19 W60-20	0631 0631

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	coupons, and discounts can still continue, even if consumers exercise their right to delete or to opt-out of sale or sharing of their information.			
660.	Comment recommends that the Agency provide examples of financial incentives that comply with Civil Code § 1798.125(a)(2)'s requirement of being "reasonably related to the value provided to the business by the consumer's data" but are nevertheless prohibited by Civil Code § 1798.125(b)(4)'s prohibition on financial incentive practices that are unjust, unreasonable, coercive, or usurious in nature.	No change has been made because the comment is not related to any modification to the text for the 45-day comment period. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether it is necessary to modify this regulation.	W83-31 O25-5	0909 D2 18:14-18:21
§ 7081. Calculating the Value of Consumer Data				
– **Comments generally about § 7081**				
661.	Comment recommends deleting clause (8) because allowing businesses to create their own method of calculating the value of consumer data as long as it is done in good faith can result in undervaluing consumer data or valuing some consumers' data more than others.	No change has been made because the comment is not related to any modification to the text for the 45-day comment period. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether it is necessary to modify this regulation.	W60-21	0632
ARTICLE 8. TRAINING AND RECORD-KEEPING				
– **Comments Generally about Article 8**				
662.	Comment expresses support for regulations' requirement to train employees about the CCPA's provisions and how to direct consumers to exercise their rights under the law. Comment expresses	The Agency appreciates this general comment of support. No change has been made in response to this comment. With regard to the comment asserting that Article 8's non-substantive changes in § 7100-7101 align with and/or support the ISL safety regulation principle, the comment appears to generally concur with the	W58-23 W60-22 W60-23	0606 0632 0632

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	support for record-keeping requirements. Comment also suggests that Article 8's non-substantive changes align with and/or support Internet Safety Labs (ISL)'s safety regulation principle.	proposed regulations rather than request specific changes. No further response is required. The Agency makes no statement regarding the ISL framework.		
663.	Draft regulations require a 24-month recordkeeping timeframe on businesses to maintain deletion records. This is double the lookback periods used in CCPA, creates risks to consumers by requiring businesses to retain records for longer than they might retain records, and is contrary to data minimization. Comment suggests a 12-month record retention requirement.	No change has been made because the comment is not directed at any proposed regulation or the rulemaking procedures followed. The 24-month time frame balances the principle of data minimization with the need to maintain records to prove compliance. It is reasonably necessary to demonstrate compliance with the CCPA and to assist in the enforcement of the law. *See* Department of Justice, Attorney General's Office, *Final Statement of Reasons Appendix A. Summary and Response to Comments Submitted during 45-Day Period*, at p. 218 (June 1, 2020).	W57-19	0597-0598
§ 7102. Requirements for Businesses Collecting Large Amounts of Personal Information				
– **Comments generally about § 7102**				
664.	Recommends that § 7102's 10-million consumer threshold triggering reporting requirements for businesses collecting large amounts of personal information be modified to consider the depth of data collected about individual consumers in addition to the total number of consumers from whom data is collected.	No change has been made in response to this comment. In drafting these regulations, the Agency considered the burden on businesses to compile and report the metrics listed under § 7102(a)(1) by limiting these reporting requirements to businesses that handle large amounts of personal information. Complicating the threshold conditions triggering § 7102 reporting duties by including an additional "depth of data" requirement is likely to give non-compliant businesses, who otherwise know or reasonably should know that they process the personal information of over 10 million consumers, with a justification for noncompliance. These businesses may be able to claim that they did not report metrics because they believed the "depth" requirement was not met. Additionally, in determining whether it must comply with § 7102 reporting duties, a business is likely to have more difficulty counting both the number of consumers and the number of data points per consumer rather than counting the number of	W58-19	0605

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		consumers alone. Adding a "depth of data" requirement would increase costs of compliance for businesses that are not sure whether they qualify as a business that collects large amounts of personal information. Furthermore, the "depth of data" collected about particular consumers is less relevant to the reporting threshold than the number of consumers because the threshold is designed to require reporting based on the total number of consumers whose data privacy rights are impacted by businesses, not based on the extent of information collected about particular consumers. Section 7102's existing requirement is adequate for this purpose.		
665.	Section 7102 should be deleted unless the Agency provides empirical evidence showing that the transparency reports provide benefits and are actually necessary to inform the Agency, Attorney General, policymakers, academics, and the public about business's compliance with the CCPA. Mandatory disclosures often fail where a regulator fails to follow best practices in structuring requirements, which was not followed for these requirements.	No change has been made in response to this comment. Civil Code § 1798.185(b) provides the Agency with authority to further the purposes of the CCPA. The purposes of the CCPA are directly furthered through its vigorous administrative and civil enforcement. Moreover, Civil Code § 1798.199.10 expressly vests the Agency with full administrative power, authority, and jurisdiction to implement and enforce the CCPA. Metrics that illustrate consumer requests received, complied with, and denied by businesses that buy, receive for their own commercial purposes, sell, share, or otherwise make available for commercial purposes the personal information of 10,000,000 or more consumers in a calendar year—the equivalent to approximately 25% of the population of California—are relevant to CCPA compliance-monitoring activities, necessary for the full implementation and enforcement of the CCPA, and essential to informing discussions among the Agency, Attorney General, policymakers, academics, and the public about the extent of CCPA compliance by businesses collecting large amounts of personal information. Comment does not account for the fact that reporting § 7102 metrics is not mandatory for all businesses but only for businesses that collect the personal information of 10,000,000 or more consumers in a	W59-65 W59-66 W59-67 W59-68	0617 0617 0617 0617

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		calendar year. Comment neither specifies nor details how the Agency has failed to follow best practices in structuring disclosure requirements. Comment's proposed deletion of § 7102 is not more effective in carrying out the purpose and intent of the CCPA.		
666.	Requests clarification as to whether the number of "consumers" triggering § 7102 reporting duties refers to consumers in California, consumers in the United States, or consumers in the world.	No change has been made in response to this comment. The definition of the term "consumer" is reasonably clear in the statutory language of the CCPA. Under Civil Code § 1798.140(i), "'Consumer' means a natural person who is a California resident." Section 7102(b) provides that a business may choose to compile and disclose the information required by subsection (a)(1) for requests received from all individuals, rather than requests received from consumers. The Agency has determined that no further clarification is needed at this time.	W35-26	0376
– **§ 7102(a)**				
667.	Section 7102(a)'s "10,000,000 or more" consumer threshold should be increased to "40,000,000 or more" consumers because the proposed threshold of 10,000,000 is so low under modern standards that it would trigger reporting requirements for many small and local news media publications who lack the resources to comply.	No change has been made in response to this comment. In drafting these regulations, the Agency considered the burden on businesses to compile and report the metrics listed under § 7102(a)(1) by limiting these reporting requirements to businesses that handle large amounts of personal information. Section 7102(a) creates reporting requirements for businesses that buy, receive for their own commercial purposes, sell, share, or otherwise make available for commercial purposes the personal information of 10,000,000 or more consumers in a calendar year. A group of 10,000,000 consumers is equivalent to approximately 25% of the population of California, the largest state by population. A publisher that annually processes for commercial purposes the personal information of more consumers than a quarter of California's population would not be considered a small publication under reasonable modern standards. Civil Code § 1798.185(b) provides the Agency with authority to further the purposes of the CCPA. The metrics reporting requirements under § 7102 is necessary to inform the Agency, Attorney General, policymakers, academics, and the public	W37-19	0393

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		about CCPA compliance by businesses collecting large amounts of personal information. Increasing the standard to 40,000,000, which is approximately California's entire population, which is too high and would essentially render this regulation meaningless.		
668.	EFIS does not account for the cost of §§ 7102(a)(1)(B), 7102(a)(1)(E), and 7102(a)(1)(F), which require businesses that handle large amounts of personal information to report the number of requests to correct, requests to limit received, and median or mean days to substantively respond to consumer requests to delete, correct, know, opt-out, and limit. These new reporting requirements may necessitate manual review of requests received across multiple channels for businesses that do not automate request handling. This is a cost that should have been addressed in a SRIA.	No change has been made in response to this comment. For the purposes of its economic analysis the Agency looked to the legal environment that consists of existing California law as well as other relevant privacy obligations to comprise the baseline economic conditions for the proposed regulations. The analysis contemplated whether the regulation created obligations not found in existing law. A SRIA addresses economic impacts caused by the proposed regulation and should not include the baseline costs associated with existing law or regulations. Cost associated with this section would be minimal and apply only to a small fraction of businesses that are assumed to already be compliant with existing law. Existing regulations already require reporting of similar statistics, and thus, complying with this regulation would entail minimal changes to existing systems. The businesses that this regulation applies to are likely to already be preforming this function in response to existing requirements, and thus, any costs are part of the regulatory baseline. There are no regulatory costs to address in a SRIA.	W9-45 W9-46 W9-47 W13-3	0061-0062 0062 0062 0158
669.	Under § 7102(a)(1)(D), retailers collecting large amounts of personal information should not be required to report the number of requests to opt-out of sale/sharing to the extent that such requests arose from a preference signal.	No change has been made in response to these comments. The CCPA directs the Agency to adopt regulations to (1) establish rules and procedures to facilitate and govern the submission of consumer requests to opt out of sale or sharing pursuant to Civil Code § 1798.120 to ensure that consumers have the ability to exercise their choices without undue burden and to prevent businesses from engaging in deceptive or harassing conduct, and (2) to harmonize the regulations governing opt-out mechanisms and other operational mechanisms in the CCPA to promote clarity and functionality of CCPA for consumers. *See* Civ. Code §§ 1798.185(a)(4), (a)(22). The CCPA also provides the Agency with	W24-37	0237

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		authority to adopt regulations as necessary to further the purposes of the CCPA. Civ. Code § 1798.185(b). The Agency has considered and balanced the impact to businesses and the benefit to consumers and has determined that the regulation remains necessary and that the value of public disclosure outweighs the burdens. As explained in the Attorney General's ISOR, the regulation is necessary to inform consumers as well as the Agency, policymakers, academics, and members of the public about large businesses' compliance with the CCPA. *See* ISOR, p. 28.		
670.	Recommends changing § 7102(a)(1)(F) to eliminate the choice given to businesses collecting large amounts of personal information to report either the median or the mean number of days within which the business responded to consumer requests. Recommends that the regulations specify only one metric between the two–either the mean or the median–to facilitate consistent comparisons across businesses, identify trends, and ensure compliance.	No change has been made in response to this comment. Comment's proposed change is not more effective in carrying out the purpose and intent of the CCPA. The current regulations provide businesses with discretion in determining whether to report the median or mean number of days within which the business responded to consumer requests depending on the metric that best fits business circumstances. The option to report either the median or mean was previously incorporated into current regulations in response to earlier public comments expressing a desire for flexibility. The Agency has not proposed changes to the "median or mean number" requirement because the current options suffice to gauge overall response time. Changing regulations to require reporting of either only the median or only the mean may unnecessarily burden businesses who have historically tracked only the non-required metric.	W60-24	0632
ARTICLE 9. INVESTIGATIONS AND ENFORCEMENT				
– **Comments Generally about Article 9**				
671.	Supports the investigation and enforcement regulations and urges the Agency to adopt Article 9. Commends the inclusion of multiple methods for investigation, including sworn complaints,	The Agency appreciates this comment of support. No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further response is required.	W60-25	0632

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	anonymous complaints, referrals, and agency-initiated investigations.			
672.	Comment suggests that using language that is not exactly "Do Not Sell or Share My Personal Information" in an Opt-Out link on the business's website should not be considered a violation of the regulation and therefore should not be grounds for an enforcement action.	No change has been made in response to this comment. The comment objects to the CCPA, not any proposed regulation. To the extent that the comment addresses the Agency's enforcement priorities, the Agency has prosecutorial discretion to choose which entities to prosecute, whether to prosecute, and when to prosecute. *But see* Civ. Code § 1798.185(d) (enforcement may not begin until July 1, 2023). How the Agency decides to exercise its enforcement authority is beyond the scope of the regulations and is a fact-specific determination.	W6-4	0030
673.	Comment suggests that enforcement actions against a business be considered on a risk-based scale, and further suggests that business with documented privacy harms and/or business with high-risk practices be the priority of any possible enforcement action.	No change has been made in response to this comment. The comment is not directed at any proposed regulation, or the rulemaking procedures followed. To the extent that the comment addresses the Agency's enforcement priorities, the Agency has prosecutorial discretion to choose which entities to prosecute, whether to prosecute, and when to prosecute. *But see* Civ. Code § 1798.185(d) (enforcement may not begin until July 1, 2023). How the Agency decides to exercise its enforcement authority is beyond the scope of the regulations and is a fact-specific determination.	W53-4	0561
674.	Comment is a general statement of opinion that there needs to be an uptick in enforcement actions.	No change has been made in response to this comment. The comment is not directed at any proposed regulation, or the rulemaking procedures followed. To the extent that the comment addresses the Agency's enforcement priorities, the Agency has prosecutorial discretion to choose which entities to prosecute, whether to prosecute, and when to prosecute. *But see* Civ. Code § 1798.185(d) (enforcement may not begin until July 1, 2023). How the Agency decides to exercise its enforcement authority is beyond the scope of the regulations and is a fact-specific determination.	W88-3	0948
675.	Comment appears to support that Article 9's regulations on investigations and enforcement align with and/or support	No change has been made in response to this comment. The comment concurred with the proposed regulations, so no further	W58-6	0602

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	Internet Safety Labs (ISL)'s safe notice principle by ensuring that notices are monitored and enforced.	response is required. The Agency makes no statement regarding the ISL framework.		
§ 7300. Sworn Complaints Filed with the Agency				
– **Comments generally about § 7300**				
676.	Recommends adding a provision to § 7300 outlining who has standing to file a sworn complaint to eliminate confusion and ensure that public interest organizations and watchdog groups can file complaints in addition to individuals. Suggests addition of examples of those with standing.	No change has been made in response to this comment. The proposed provision and examples are unnecessary because CCPA and the regulations are reasonably clear. Under Civil Code § 1798.199.45, sworn complaints may be filed by any "person." If a public interest organization or watchdog qualifies as a "person" under Civil Code § 1798.140(u), it may file a sworn complaint under § 7300. In addition, a sworn complaint is one among several bases for the Agency to initiate an investigation under § 7301, which also include bases such as referrals from private organizations and nonsworn or anonymous complaints. To the extent the commenter seeks additional clarity on who may file a sworn complaint, it likely requires a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant concerns.	W60-26	0632-0633
– **§ 7300(a)**				
677.	Recommends deletion of § 7300(a)(5)'s requirement that sworn complaints filed with the Agency be made under penalty of perjury because the "threat of criminal prosecution for inadvertently incorrect statements or differing interpretations will chill research and reporting of CPRA violations." Suggests that since the Agency does not have an obligation to respond to unsigned complaints submitted under § 7301, consumers are deprived of	No change has been made in response to this comment. The comment appears to object to the CCPA, not the proposed regulation. Civil Code § 1798.199.45 uses the term "sworn complaint," which, by definition, means submitted under penalty of perjury. *See* Civ. Proc. Code § 2015.5. This definition is clear because to "swear" means to take an oath and, in California, an "oath" includes a declaration under penalty of perjury. *See* Black's Law Dictionary (11th ed. 2019). The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope. A sworn complaint is just one among several bases for the Agency to initiate an investigation. Section 7301 permits the Agency to open, on its own initiative, matters not resulting from	W83-35	0910

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	transparency into the Agency's decisionmaking.	sworn complaints, such as Agency-initiated investigations, referrals from other organizations, and nonsworn or anonymous complaints. No purported "threat of criminal prosecution for advertently incorrect statements" exists in connection with these types of complaints, assuming that such a concern does exist for sworn complaints. The comment's proposed deletion is not more effective in carrying out the purpose and intent of the CCPA.		
– **§ 7300(b)**				
678.	Recommends limiting § 7300(b)'s requirement that the Agency's Enforcement Division notify sworn complainants of the Agency's actions and reasoning in writing to avoid premature publicity that may potentially result from the Agency's investigatory actions and cause severe reputational harm to businesses.	No change has been made in response to this comment. Civil Code § 1798.199.45(b) provides, "The agency shall notify in writing the person who made the complaint of the action, if any, the agency has taken or plans to take on the complaint, together the with reasons for that action or nonaction." The comment's proposed limitation of § 7300(b)'s notice requirement conflicts with the underlying statute. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W52-65	0554
§ 7301. Investigations				
– **Comments generally about § 7301**				
679.	Recommends amending § 7301 to include a limiting condition requiring the Board's finding of reasonable suspicion by majority vote for the Agency to exercise discretion to open matters not resulting from sworn complaints, including Agency-initiated investigations, referrals from government agencies or private organizations, and nonsworn or anonymous complaints. Bases recommendation on purported benefits to businesses and the Agency from conservation of resources to focus on instances where reasonable suspicion	No change has been made in response to this comment. Civil Code § 1798.185(b) provides the Agency with authority to further the purposes of the CCPA. One of the enumerated purposes of the CCPA is to hold businesses accountable through vigorous administrative and civil enforcement. *See* Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), § 3(B)(7) and § 3(C)(7). Comment's suggestion to limit the initiation of investigations to avoid enforcement against businesses is contrary to the purposes of the CCPA. In drafting § 7301, the Agency determined that providing the Agency with discretion to open investigatory matters is necessary due to Agency expertise, resources, and priorities. Investigatory decisions are best handled by Agency staff, who have the most immediate expertise and relevant resources to best	W75-28 W86-17	0831 0943-0944

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	exists. Suggests that the proposed condition will reduce the potential for claims that the Agency's investigations are an abuse of authority.	implement enforcement priorities in decisions regarding whether to open investigations. Comment's proposed amendment would limit the Agency's discretion and ability to investigate multiple matters quickly. Comment appears to suggest that the proposed amendment would conserve Agency resources by limiting investigations of businesses to cases of reasonable suspicion. However, § 7302 already provides the Agency with a process for probable cause determinations to guide allocation and conservation of enforcement resources.		
§ 7302. Probable Cause Proceedings				
– **Comments generally about § 7302**				
680.	Recommends amending § 7302 by adding express requirements that the Agency provide businesses with probable cause reports containing the basis of alleged violations and that the Agency give such businesses formal opportunities to respond in writing in advance of probable cause proceedings. Makes recommendation based on California Public Utilities Commission (CPUC)'s progressive enforcement model. Claims that proposed modifications for developing a written briefing process in advance of the actual probable cause proceedings "build on" Civil Code § 1798.199.50 and align with Fair Political Practices Commission (FPPC)'s probable cause requirements.	No change has been made in response to this comment. Section 7302(b) adequately implements Civil Code § 1798.199.50, which requires the Agency to provide alleged violators with written notices summarizing evidence and informing them of their rights at least 30 days in advance of the Agency's consideration of the alleged violation. Since the statute and this regulation already require the Agency to provide businesses with information about the basis of alleged violations and with the opportunity to respond at or in advance of probable cause proceedings, comment's proposed changes are redundant, unnecessary, and would not be more effective in carrying out the purpose and intent of the CCPA to hold businesses accountable through vigorous enforcement. *See* Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), § 3(C)(7). Moreover, as explained in the ISOR, a finding of probable cause does not mean a violation has necessarily occurred. ISOR, p. 59. Rather, a violation must be proved in a subsequent administrative hearing that is conducted in accordance with the Administrative Procedure Act, which includes processes for pleadings and motions. *See* Civ. Code § 1798.199.55; Gov. Code §§ 11503, 11506; 1 CCR § 1022. Finally, the Agency is not legally bound to follow the enforcement models of particular industries or of other	W28-110 W28-111 W28-112 W28-115 W28-116 W69-49 W69-50 W75-29	0317 0317 0317 0315-0316 0316 0774 0774-0775 0831

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		organizations such as CPUC or FPPC, which pursue different regulatory purposes.		
681.	Recommends that the Agency confirm that information or arguments presented at the probable cause hearing will not be shared with the public. Recommends adding a requirement that the Agency destroy or return any materials provided by the alleged violator at the alleged violator's request if probable cause is not found.	No change has been made in response to this comment. The comment does not provide sufficient reasons or support showing that the suggested change is necessary under proposed regulations. As explained in the ISOR, § 7302(e) provides that notices of probable cause and probable cause determinations themselves are neither open to the public (without the alleged violator's request) nor admissible in proceedings other than those enforcing the CCPA. ISOR, p. 60. Moreover, adding language requiring the Agency to destroy or return information at an alleged violator's request where probable cause is not found is unnecessary since such information is already protected by § 7302(e). Comment's suggested requirement would allocate Agency resources away from actual enforcement and towards clerical tasks.	W75-30 W75-31	0831-0832 0831-0832
682.	Recommends amending § 7302 by adding opportunities to cure alleged violations between receipt of notice and probable cause proceedings and/or right to appeal probable cause determinations in certain cases, such as where one is erroneous due to basis in incorrect law or evidence. Comment claims that such measures protect businesses from actions based on erroneous probable cause determinations and provide businesses the opportunity to exchange critical information to inform probable cause findings.	No change has been made in response to this comment. Neither notice of nor a finding of probable cause means a violation has necessarily occurred or that a cure is warranted. As explained in the ISOR, a finding of probable cause only indicates the existence of probable cause supporting a reasonable belief that the CCPA has been violated. ISOR, p. 59. Moreover, § 7302(d) provides that the Agency's probable cause determination is final and not subject to appeal because an appeal would delay the initiation of an administrative hearing if probable cause were in fact found. ISOR, p. 60. A right to appeal findings of probable cause is not necessary because such findings are not final orders and do not legally bind alleged violators. The processes and measures in the statute and these regulations already provide alleged violators with adequate protections from erroneous probable cause determinations as well as ample opportunities to exchange critical information with the Agency to best inform probable cause findings. Specifically, alleged	W28-113 W28-114 W84-19 W89-47	0316-0317 0318 0924 0966-0967

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		violators will receive notice of proceedings at least 30 days in advance, probable cause proceedings will be private unless an alleged violator requests otherwise, and notices and determinations of probable cause are inadmissible outside of proceedings enforcing CCPA.		
683.	Comments recommend clarifying that the Agency's probable cause determination is only final for the purpose of determining the Agency may hold an administrative hearing to determine whether there has been a violation of the CCPA.	No change has been made in response to this comment. The proposed clarification is unnecessary because the regulation is reasonably clear. Section 7302(e) provides that the Agency's probable cause notices and determinations shall not be admissible in evidence in any action or special proceeding other than one enforcing the CCPA. A finding of probably cause does not mean a violation has necessarily occurred. Rather, a violation must be proved in the subsequent administrative hearing.	W75-31 W86-19	0832 0944-0945
– **§ 7302(c)**				
684.	Recommends clarifying in § 7302(c) that businesses have the right to a live proceeding upon request, even in the case of private proceedings.	No change has been made in response to this comment. The regulation is reasonably clear. Section 7302(c) does not conflict with the alleged violator's right to appear in person at the probable cause proceeding. It simply addresses the situation in which the alleged violator requests that the proceeding be public. As explained in the ISOR, the 10-day period for requesting a public proceeding is necessary for the Agency to have sufficient time to reserve a room for the public hearing and handle related logistics. ISOR, p. 59. Section 7302(c)(1)'s stating that a private proceeding "may" be conducted in whole or in part by telephone or videoconference does not abridge the alleged violator's ability to participate in person, as set forth in Civil Code § 1798.199.50. It simply gives alleged violators the option of conducting private proceedings via telephone or videoconference as needed to increase convenience and minimize costs. ISOR, p. 59. The Agency has determined that no further clarification is necessary at this time.	W75-30 W86-18	0831 0944-0945

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
– **§ 7302(d)**				
685.	Recommends clarifying how, when, and/or to whom probable cause determinations must be delivered under § 7302(d).	No change has been made in response to this comment. The proposed clarification is unnecessary and overly prescriptive. Alleged violators are already provided notice of the probable cause proceeding in accordance with Civil Code § 1798.199.50. Civil Code § 1798.199.50 states that the Agency must notify the alleged violator of the violation by service of process or registered mail with return receipt requested at least 30 days prior to the Agency's consideration of the alleged violation, provide them a summary of the evidence, and inform them of their right to be present in person and represented by counsel at any proceeding held for the purpose of considering whether probable cause exists. Section 7302(d) also states that the Agency will issue a written decision with its probable cause determination and serve it on the alleged violator electronically or by mail. Comment's suggested additional requirements governing when and how probable cause findings must be delivered are unnecessary and would not be more effective in carrying out the purpose and intent of the CCPA to hold businesses accountable through vigorous enforcement.	W75-31 W97-32	0831-0832 1070
§ 7304. Agency Audits				
– **Comments generally about § 7304**				
686.	Comment appears to support § 7304 because it aligns with and/or supports Internet Safety Labs (ISL)'s safety enforcement principle by ensuring that "auditing measures the actual behavior of the technology."	No change has been made in response to this comment. The comment appears to concur with the proposed regulations, so no further response is required. The Agency makes no statement regarding ISL's safety regulation principles.	W58-24	0606
687.	Recommends amending § 7304 (comment appears to incorrectly cite to § 7303) to provide businesses with written notice at least 30 days in advance of any audit, including the date of the audit, the matters	No change has been made in response to this comment. One of the enumerated purposes of the CCPA is to hold businesses accountable through vigorous administrative and civil enforcement. Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), § 3(C)(7). Civil Code §§ 1798.199.40(f) and 1798.199.65 authorize the Agency	W69-51	0775

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	or areas the Agency intends to audit, and the Agency's basis for auditing the identified matters or areas. Recommends including a requirement that the Agency complete each audit within 180 days from the audit's start date unless otherwise agreed to by the parties. Recommends clarifying that auditing a business permits access to information but does not automatically grant access to a business's physical premises. Recommends requiring the Agency to provide audited businesses with draft audit reports and with opportunities to respond prior to issuance of a final report.	to conduct audits of businesses to ensure compliance with the CCPA. Comment's suggested changes are not more effective carrying out the purpose and intent of the CCPA, including ensuring compliance with the CCPA by holding businesses accountable. An audit is an investigative tool that can be used to determine whether a violation occurred. ISOR, p. 60-61. The Agency's right to conduct audits on an announced or unannounced basis, as determined by the Agency, is a necessary tool for enforcing the CCPA. Adding procedural bottlenecks and a 180-day limitation as suggested would unnecessarily disrupt Agency audits such that the Agency's ability to thoroughly conduct investigations and the CCPA's scope of enforcement would be impaired. In addition, the language proposed regarding not automatically granting access to physical premises is unnecessary. Section 7304(d) already states that a subject's failure to cooperate during the Agency's audit may result in the Agency issuing a subpoena, seeking a warrant, or otherwise exercising its powers to ensure compliance with the CCPA. Similarly, the comment's suggestion that the Agency provide draft audit reports and opportunities to respond prior to the issuance of final reports is also unnecessary. The subject of an investigation has adequate opportunities to be heard at probable cause proceedings and, if probable cause is found, throughout the subsequent administrative hearing process.		
688.	Recommends that the Agency develop an audit process to investigate data brokers and similar companies that deceptively claim to have deidentified data to avoid responding to consumer requests. Recommends the use of experts to test whether consumers can reasonably be reidentified from businesses' purportedly "anonymized data."	No change has been made in response to this comment. One of the enumerated purposes of the CCPA is to hold businesses accountable through vigorous administrative and civil enforcement. Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), § 3(C)(7). Civil Code §§ 1798.199.40(f) and 1798.199.65 authorize the Agency to conduct audits of businesses to ensure compliance with the CCPA. Comment's suggested changes are not more effective carrying out the purpose and intent of the CCPA, including ensuring compliance with the CCPA by holding businesses accountable.	W55-3	0579-0581

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		Section 7304 adequately provides for an audit process that the Agency may use to investigate the companies identified by the comment. Under § 7304(a), the Agency may audit a business, service provider, contractor, or person to ensure compliance with any provision of the CCPA, including provisions governing consumer requests. Section 7304(b) provides criteria for selection of audits, which include possible violations of the CCPA. Section 7304(c) enables the Agency to conduct unannounced audits as necessary to verify compliance. Under § 7304(d), a data broker's or similar company's failure to comply during such an audit may result in the Agency issuing a subpoena, seeking a warrant, or otherwise exercising its powers to ensure compliance with the CCPA.		
689.	Recommends that the Agency focus audits on information processing presenting significant risk to consumers and on businesses with a history of noncompliance with privacy laws because these companies may harm consumers and undermine trust in digital products.	No change has been made in response to this comment. The comment is not directed at any proposed regulation, or the rulemaking procedures followed. To the extent that the comment addresses the Agency's enforcement priorities, the Agency has prosecutorial discretion to choose which entities to prosecute, whether to prosecute, and when to prosecute. *But see* Civ. Code § 1798.185(d) (enforcement may not begin until July 1, 2023). How the Agency decides to exercise its enforcement authority is beyond the scope of the regulations and is a fact-specific determination.	W53-20	0565
690.	Comment suggests that the Agency revise the regulations to address how agency audits will be conducted. Comment proposes that the regulations specifically "endorse" off-site audits and limit on-site audits to situations where there are special circumstances that merit the audit being conducted on-site. Comment state on-site audits raise privacy concerns for consumers whose personal information is not within the subject of the audit.	No change has been made in response to this comment. Civil Code § 1798.185(18) provides the Agency with authority to issue regulations that "define the scope and process of the agency's audit authority." Section 7304 implements that requirement. In particular, § 7304 provides that information disclosed to the Agency during an audit must be "maintained in compliance with the Information Practices Act of 1977." The Agency has concluded that this requirement protects consumers' privacy rights. The suggestion that the Agency revise the regulation to endorse off-site audits would unnecessarily constrain the Agency's investigatory	W17-25	0186

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		powers in a manner that would not further the purpose and intent of the CCPA.		
– **§ 7304(a)**				
691.	Comments contend proposed regulations exceed the Agency's statutory authority because the scope of the audit power is too broad and proposed regulations fail to define the scope and process of Agency audits with any reasonable limitations on the audit power, which will consume significant time and resources in a way that is not productive or protective of consumers. Comments recommend changes, such as (1) limiting the temporal scope of audit investigations to cover only the last 24 months prior to the investigation; (2) establishing a "statute of limitations" limiting the Agency's ability to audit a business so that audits are always confined to a specified number of years after they have begun; (3) limiting the Agency's ability to conduct audits no more than once every 36 months so that companies have time to address any issues raised in an audit prior to being subject to a subsequent audit; (4) limiting the Agency's audit power to only businesses; (5) adding a requirement that audits be announced and authorized only within settlement or consent orders or when the Agency complies with an applicable legal process, provides documentation or justification for	No change has been made in response to this comment. Civil Code § 1798.185(a)(18) authorizes the Agency to audit persons to ensure compliance with the CCPA pursuant to regulations. Consistent with the legislature's intent that the CCPA be vigorously enforced, § 7304(a) explains that the Agency may audit a business, service provider, contractor, or person to ensure compliance with any provision of the CCPA. Agency investigations may result from complaints submitted to the Agency, self-disclosed violations, media or news reports, or any other evidence gathered by the Agency over time. An audit authority that is not confined to a limited period is necessary for the Agency to fully investigate matters, determine whether violations have actually occurred, and effectively enforce the CCPA. There are already existing statute of limitations periods the Agency must abide to within the CCPA. *See* Civ. Code §§ 1798.199.70, 1798.199.75, and 1798.199.80. Limiting audits to only businesses would impair the statute's scope. In addition to a potential CCPA violation triggering an audit, § 7304(b) provides that the Agency may conduct an audit if the subject's collection or processing of personal information presents significant risk to consumer privacy or security, or if the subject has a history of noncompliance with the CCPA or other privacy protection laws. This alternative basis was created on the findings that (1) the Agency should be allowed to audit a business to ensure the business's practices adequately protect consumer privacy if the business's collection or processing of personal information presents a significant risk to consumer privacy or security; (2) the Agency should also be allowed to audit a business with a history of noncompliance with the CCPA to ensure that the business has changed its practices and resolved previously identified issues; and	W14-14 W28-48 W28-49 W33-22 W33-23 W37-23 W41-20 W52-64 W57-21 W59-69 W59-71 W63-22 W63-24 W63-28 W86-14 W86-15 W89-48	0166-0167 0297 0298 0362-0363 0363 0395 0424 0554 0599 0618 0618 0695 0696 0697-0698 0942-0943 0942-0943 0967

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	a significant risk determination, and/or provides an opportunity to respond that could obviate the need for an audit; and (6) adding requirements that the Agency approve audits by majority vote prior to initiation, limit the scope of audits to existing records, books, or papers provided for within each written audit order, and/or give businesses the right to request a hearing before an administrative law judge to determine the propriety and scope of an audit.	(3) the Agency should be allowed to audit a business with a history of noncompliance with another privacy law because non-compliance may indicate a lack of understanding or disregard of the CCPA. *See* ISOR pp. 60-61. Section 7304(b)'s focus on violations of the CCPA, risks to consumer privacy or security, and historical noncompliance with privacy laws focus the Agency's audit power on conducting investigations pursuant to the purposes of the CCPA and CPRA. The comments' suggested requirements regarding the Agency's audit authority are overly burdensome and would not be more effective in carrying out the purpose and intent of the CCPA to hold businesses accountable through vigorous enforcement.		
692.	Comments recommend that the Agency authorize the use of third-party auditors for various reasons, including because use of said auditors would be consistent with requirements by the insurance code and would allow for predictability. Comments suggest varying allowances and restrictions on the use of said third-party auditors, such as allowing businesses to select their own auditor, prohibiting third-party auditors with financial incentives, requiring criteria performance standards for the auditors.	No change has been made in response to this comment. The Agency has not addressed the issue of third-party auditors at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation is necessary on these issues.	W14-14 W58-22 W68-19	0167 0606 0757-0759
693.	Comments request that the Agency create specific exemptions for banks and credit unions from Agency audits based on the general observation that such organizations are already highly regulated and subject to ongoing supervision and examination by federal and state regulators. Suggests cooperation with state and federal	No change has been made in response to this comment. Except as provided in Civ. Code § 1798.150 (relating to personal information security breaches), the CCPA does not apply to personal information collected, processed, sold, or disclosed subject to the federal Gramm-Leach-Bliley Act (GLBA) and its implementing regulations or the California Financial Information Privacy Act (CalFIPA). *See* Civ. Code § 1798.145(e). To the extent that banks and credit unions process personal information that is outside the	W43-26 W80-10 W80-11	0442-0443 0876-0877 0877

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	regulators is warranted if the Agency does not create exemptions and suggests providing guidance as to how credit unions can comply with CCPA without unnecessarily burdening the credit union industry.	scope of the GLBA, CalFIPA, or other exemptions identified in Civ. Code § 1798.145, this information is subject to the CCPA's requirements, including auditing. Banks and credit unions' compliance with the CCPA and the regulations is a fact-specific determination. Comment provides neither substantial evidence nor justification that the proposed exemptions for banks and credit unions are necessary to carry out the purposes of the CCPA.		
694.	Comments recommend adding an explicit limitation barring the Agency from conducting any audits until it has appointed a Chief Privacy Auditor to conduct audits and/or until the Chief Privacy Auditor has found reasonable suspicion of an ongoing violation and only with respect to the scope of that suspected violation.	No change has been made in response to this comment. Civil Code § 1798.199.40(f) authorizes the Agency to appoint a Chief Privacy Auditor to conduct audits of businesses to ensure compliance with the CCPA pursuant to regulations. Civil Code § 1798.185(a)(18) provides the Agency with authority to issue regulations defining the scope and process for the exercise of the Agency's audit authority. The CCPA neither mandates that the Agency issue rules to limit the scope of the Agency's audit power until the appointment of a Chief Privacy Auditor nor requires reasonable suspicion prior to auditing. The comment's recommendation to impose such limitations is not more effective in carrying out the purpose and intent of the CCPA	W37-23 W84-22 W86-15	0395 0924 0942
– **§ 7304(b)**				
695.	Comments object generally to the Agency's statutory authority to conduct audits on the basis that a business's processing of personal information presents significant risk to consumer privacy or security and/or on the basis of historical noncompliance with privacy laws. Comments recommend various changes, such as (1) deleting § 7304 entirely; (2) deleting the "significant risk" basis for audits; (3) amending § 7304 to permit audits "only after the CPPA has followed the appropriate legal process associated with the information the CPPA	No change has been made in response to this comment. Civil Code §§ 1798.199.40(f) and 1798.199.65 authorize the Agency to audit businesses to ensure compliance with the CCPA pursuant to regulations. Civil Code § 1798.185(a)(18) also provides the Agency with authority to issue regulations defining the scope and process for the exercise of the Agency's audit authority. Because § 7304 is a regulation defining the scope and process for the exercise of the Agency's audit authority, it falls within the scope of the Agency's rulemaking authority. Moreover, comments' suggested changes are not more effective in carrying out the purpose and intent of the CCPA to hold businesses accountable through vigorous enforcement. (Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), § 3(C)(7).)	W11-1 W11-2 W11-53 W37-23 W41-19 W59-70 W68-20 W68-21	0141-0142 0142 0153 0395 0424 0618 0758 0758-0759

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	seeks to obtain;" and/or (4) amending § 7304 so that only historical noncompliance with California-specific privacy laws is considered as a basis conducting audits rather than historical noncompliance with other privacy laws.			
696.	Comments recommend that the Agency promulgate objective criteria that the Agency will use to guide and restrict its selection of businesses for auditing and/or provide examples. Comments share various recommendations to increase the foreseeability of audits to businesses, such as (1) clarifying what constitutes a "significant risk" or "significant privacy harm" that could give rise to an audit; (2) amending regulations to require probable cause for audits; and/or (3) amending regulations to require "articulable facts leading to a reasonable belief" that the business's collection or processing of personal information presents significant risk to consumer privacy or security.	No change has been made in response to this comment. Civil Code § 1798.185(a)(18) provides the Agency with authority to issue regulations defining the scope and process for the exercise of the Agency's audit authority and to establish criteria for selection of persons to audit. Section 7304(b) is reasonably clear and meant to apply to a wide range of factual situations and across different industries. In drafting these regulations, the Agency considered a variety of approaches to criteria for audit selection. It determined that (1) the Agency should be allowed to audit a business to ensure the business's practices adequately protect consumer privacy if the business's collection or processing of personal information presents a significant risk to consumer privacy or security; (2) the Agency should also be allowed to audit a business with a history of noncompliance with the CCPA to ensure that the business has changed its practices and resolved previously identified issues; and (3) the Agency should be allowed to audit a business with a history of noncompliance with another privacy law because non-compliance may indicate a lack of understanding or disregard of the CCPA. *See* ISOR pp. 60-61.	W20-47 W28-47 W37-23 W37-24 W52-64 W63-23 W63-25 W84-21 W89-48	0214 0297 0395 0395 0554 0695-0696 0696 0924 0967
– **§ 7304(c)**				
697.	Comments generally recommend clarifying the formal processes, procedures, and/or scope of both announced and unannounced audits to enable businesses to better prepare and staff personnel on-site to comply with the Agency's audit	No change has been made in response to this comment. Civil Code § 1798.185(a)(18) provides the Agency with authority to issue regulations defining the scope and process for the exercise of the Agency's audit authority. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Guidelines for staff performing an	W20-47 W20-48 W20-49 W28-44 W28-45 W28-46	0214 0214 0214 0298 0298 0297-0298

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	requests. Comments make various recommendations, such as (1) publishing a standard audit examination procedure handbook, manual, or checklist that provides guidelines for audit hours, duration, frequency, facilities, and personnel; (2) establishing a meet-and-confer process that encourages cooperation during audits; (3) amending regulations to prohibit the Agency from conducting unannounced audits and on-site audits without notice that could disrupt a business's ongoing operations; (4) amending regulations to give businesses at least 30 to 60 days advance notice and the right to respond at a hearing, except in the most egregious situations; (5) amending regulations so that the Agency may only conduct audits with "sufficient definiteness and certainty," "strong evidence of noncompliant activities," and/or "articulable facts leading to a reasonable belief that the business's collection or processing of personal information presents significant risk;" (6) limiting the scope of audits to statutory retention periods; (7) refraining from using audits to seek information beyond what is strictly necessary to determine whether a CCPA violation has occurred; and/or (8) refraining from using audits to conduct "fishing	audit are generally exempt from the APA and rulemaking process. Gov. Code § 11340.9(e). Further analysis is required to determine whether a regulation is necessary on the issues raised. Currently, § 7304(b) states that the Agency may conduct an audit to investigate possible violations of the CCPA, or if the subject's collection or processing of personal information presents significant risks to consumer privacy or security, or if the subject has a history of noncompliance with privacy laws. As discussed in the ISOR, the Agency considered how providing notice to the business ensures that the auditor arrives at a time when the personnel required to conduct the audit are present. ISOR, p. 61. However, the Agency must retain the right to conduct unannounced audits to verify compliance as necessary for certain cases. For example, the ability to conduct an unannounced audit is particularly important when investigating businesses that commit "egregious violations" and then seek to avoid liability. The Agency is best situated to determine whether a case involves egregious violations, whether it is necessary to conduct an unannounced audit, and whether the degree of audit transparency is appropriate to each case. To the extent that comments address the Agency's enforcement priorities, the Agency has prosecutorial discretion to choose which entities to prosecute, whether to prosecute, and when to prosecute. *But see* Civ. Code § 1798.185(d) (enforcement may not begin until July 1, 2023). How the Agency decides to exercise its enforcement authority is beyond the scope of the regulations and is a fact-specific determination. Additionally, the Agency's statutory audit power is an important tool that is necessary to ensure compliance with the CCPA. Limiting use of the tool exclusively to verifying cases where strong evidence of noncompliant activities already exists would impair the Agency's auditing capabilities and ability to ensure compliance with CCPA. Such changes would not be more effective in carrying out the purpose and intent of the CCPA to hold	W28-47 W33-22 W37-23 W63-22 W63-24 W63-26 W63-27 W63-28 W63-29 W68-22 W68-23 W68-24 W75-26 W75-27 W84-21 W86-13 W86-15 W89-48 W97-33	0297 0362-0363 0395 0695 0696 0697 0697 0697-0698 0698 0758-0759 0758-0759 0758-0759 0828-0830 0828- 0830 0924 0942-0943 0942-0943 0967 1070

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	expeditions" based solely on consumer complaints.	businesses accountable through vigorous enforcement. *See* Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), §3(C)(7).		
698.	Comment alleges that the burdens imposed on businesses by § 7304(c), which allows for unannounced audits, includes expenses associated with developing policies and procedures, training staff, and updating contracts. These costs should have been addressed in a SRIA.	No change has been made in response to this comment. For the purposes of its economic analysis the Agency looked to the legal environment that consists of existing California law as well as other relevant privacy obligations to comprise the baseline economic conditions for the proposed regulations. The analysis contemplated whether the regulation created obligations not found in existing law. A SRIA addresses economic impacts caused by the proposed regulation and should not include the baseline costs associated with existing law or regulations. Civil Code § 1798.199.65 establishes the Agency's power to audit a businesses' compliance with the CPRA. Moreover, Government Code § 11180 authorizes the Agency to conduct investigations on matters subject to its jurisdiction. Any costs associated with this regulation would be part of the regulatory baseline, and thus, there are no regulatory costs to address in a SRIA.	W9-48 W13-3	0063-0064 0158
699.	Recommends amending regulations to provide businesses with a reasonable time to cure any noncompliance identified during unannounced audits and to bar any enforcement measures against businesses that cure identified noncompliance.	No change has been made in response to this comment. The Agency already has discretion to consider a business's voluntary effort to cure an alleged violation in making a decision not to investigate or to provide more time to cure. *See* Civ. Code § 1798.199.45. Mandating a cure period is not more effective in furthering the purposes of the CCPA, which includes holding businesses accountable through vigorous enforcement. Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), §3(C)(7). Moreover, it is contrary to the CPRA amendments to the CCPA, which specifically removed the 30-day time period for a business to cure an alleged violation. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W63-30	0698
– **§ 7304(d)**				
700.	Recommends that a business's election to participate in an audit be considered a	No change has been made in response to this comment. The Agency has prosecutorial discretion to choose which entities to	W33-24	0363

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	mitigating factor in any subsequent enforcement decisions.	prosecute, whether to prosecute, and when to prosecute. *But see* Civ. Code § 1798.185(d) (enforcement may not begin until July 1, 2023). How the Agency decides to exercise its enforcement authority is beyond the scope of the regulations and is a fact-specific determination which may include whether a business elects to participate in an audit.		
– **§ 7304(e)**				
701.	Alleges Agency's audit power lacks adequate protections for shielding information obtained during audits from disclosure in the absence of a court order, warrant, or subpoena. Alleges that § 7304(e)'s requirement to protect "consumer personal information" is too narrow because it does not protect the business's confidential, proprietary, or other sensitive information. Recommends (1) that regulations include requirements for technical, administrative, and physical safeguards that the Agency must follow to protect consumers' personal information during the performance of the audit as well as measures to reduce burdens on businesses, (2) requiring that information provided in connection with an audit be protected by a duty of confidentiality, (3) prohibiting the Agency from seeking the disclosure of consumer personal information during an audit in the absence of a court order, warrant, or subpoena, (4) that the Agency provide guarantees of confidentiality and nondisclosure, including	No change has been made in response to this comment. The comment's interpretation of the CCPA and the proposed regulation is inconsistent with language, structure, and intent of the CCPA and the proposed regulation. Civil Code § 1798.185(a)(18) directs the Agency to, among other things, protect consumers' personal information from disclosure to an auditor in the absence of a court order, warrant, or subpoena. Consistent with that direction, Section 7304(e) explains that consumer personal information disclosed to the Agency during an audit must be maintained in compliance with the Information Practices Act of 1977 (IPA). The IPA prohibits state agencies from disclosing any personal information in a manner that would link the information disclosed to the individual to whom it pertains unless the disclosure of the information is otherwise authorized by law. *See* Civ. Code §§ 1798.24 and 1798.21. Moreover, the comments' suggested changes to guarantee confidentiality and nondisclosure are unnecessary and are not more effective in carrying out the purpose and intent of the CCPA. Civil Code § 1798.145(a)(1) already states that the obligations imposed on businesses by the CCPA shall not restrict a business's ability to comply with federal, state, or local laws, including California's Uniform Trade Secrets Act, and the Public Records Act already provides exemptions for investigatory files and privileged records. *See* Gov. Code §§ 6254(f) and 7927.705. Comment's proposed addition of an audited party's ability to request return or destruction of any materials provided at	W17-23 W17-24 W37-25 W37-26 W63-31 W84-20 W86-13 W86-15 W86-16	0185-0186 0186 0395 0395 0698-0699 0924 0942-0943 0942-0943 0942-0943

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	exemptions from the California Public Records Act, for all confidential, proprietary, and sensitive data disclosed by a business in connection with an audit, and (5) that an audited party may request the return or destruction of any materials it provided at the conclusion of the audit.	the conclusion of an audit is unnecessary as such information is already protected by § 7302(e).		
OTHER – NOT REGARDING A PARTICULAR SECTION				
– **Burdensome**				
702.	Comments state that privacy laws are creating confusion, uncertainty, compliance and additional cost burdens for consumers and the business community. Frequent changes to the statute and rules have compounded the burden. Compliance costs burden both businesses and consumers. The final rules should avoid adding unnecessary burdens to businesses and consumers. They should also be practical. Regulations should only be necessary and implementable by businesses. Regulations should be clear, easy-to-understand, and easy-to-implement so that businesses can comply efficiently. Another comment states that the regulations should support, not undermine, technology industry efforts to provide baseline for data privacy practices that will continue to allow tech companies to flourish. Another comment contends that regulations will burden research and development in the fields of biotechnology, pharmaceuticals, and medical device	No change has been made in response to these comments. The comments do not provide sufficient specificity to the Agency to make any modifications to the text, nor do they propose specific amendments to the proposed regulations that would serve the same function/purpose and are less burdensome. The regulations are meant to apply to a wide range of factual situations and across industries. In drafting these regulations, the Agency considered the burdens on businesses and made efforts to limit the burden of the regulations while implementing the CCPA. The Agency explains in the ISOR and FSOR the necessity for, and benefits of, each regulation. *See generally* ISOR and FSOR.	W21-1 W21-3 W35-1 W57-1 W57-4 W57-14 W57-15 W57-16 W79-1 W80-18 W89-1 W94-1 O1-1 O10-8 O16-1 O17-1 O19-3 O24-1	0216 0216 0371 0590-0591 0592 0596-0599 0596 0596 0869, 0871 0882 0950 1052 D1 10:11-11:3 D1 36:6-36:16 D1 51:22-53:24 D1 55:2-55:5 D1 60:21-61:6 D2 14:2-14:24 15:3-15:11

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	technology, particularly small start-ups focused on discovering new medical breakthroughs, which often have few employees and limited funding.			
703.	Comments disagree with businesses that argue that the regulations are confusing or burdensome. Comment states that the issue here is not technical capability and that aside from a general concern of burden, those commenters did not identify tangible obstacles or solutions to a middle ground. Comments state that businesses can make a simple decision to minimize data collection or not sell personal information for invasive and privacy-violating, cross-contextual advertising.	No change has been made in response to this comment. The comment appears to concur with the proposed regulations, so no further response is required.	O18-4 O30-1	D1 58:15-58:20 D2 34:1-34:22
– **Delay**				
704.	Comments suggest delaying the effective date and/or enforcement of the regulations for 6 to 18 months. Comments note that regulations implementing certain CCPA provisions remain forthcoming and that requiring businesses to comply before January 2024 will lead to confusion. Some comments suggest that businesses need more time to comply. Another comment recommends effectively delaying the enforcement or the proposed regulations to the employment and business-to-business contexts until the Agency engages in a separate rulemaking that the commenter recommends. Another	No change has been made in response to these comments. The Agency has made every effort to issue final regulations in a timely manner that comply with the CCPA and the rulemaking procedures. The Agency has considered delaying the effective date and/or the enforcement date of the regulations and has determined that doing so is not more effective in carrying out the purpose and intent of the CCPA than having the regulations take effect in accordance with the standard rules governing rulemaking. *See* Gov. Code § 11343.4(a). The proposed regulations provide comprehensive guidance to consumers, businesses, service providers, and third parties on how to implement and operationalize new consumer privacy rights and other changes to the law introduced by the CPRA amendments to the CCPA. The Agency has determined that delaying the regulations will cause greater confusion for consumers and businesses. In addition, the Agency has determined that	W11-54 W14-15 W52-33 W52-63 W69-57 W75-4 W89-50	0153-54 0167 0536 0553 0776 0815 0967

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	comment also recommends delaying enforcement of the rules as applied to employment records, because businesses need time to apply the rulemaking to employment records and carry out required implementation, particularly because certain rights are incompatible with business functions and other legal obligations.	businesses will have sufficient time to comply with the regulations before the Agency's enforcement commences. Although the proposed regulations are not yet final and have been subject to public comment and amendments, businesses have been aware of the proposed regulations' general contours since July 8, 2022, when they were released. Many of these regulations have been in effect with only slight modifications since 2020. Moreover, when considering whether to investigate a violation or initiate an enforcement action, the Agency, in the exercise of its prosecutorial discretion, may consider the effect that the delay in adopting the regulations has had on a business's ability to comply. Prosecutorial discretion permits the Agency to choose which entities to investigate and whether to initiate an administrative action. How the Agency decides to exercise its enforcement authority is a context-specific, fact-specific, discretionary decision. Proposed regulation § 7301(b) recognizes that, when the Agency investigates violations of the CCPA or its implementing regulations, the Agency has the discretionary authority to consider the effective date of statutory and regulatory requirements and businesses' good-faith efforts to comply with the law.		
705.	Comments suggest delaying the effective date of the regulations or delaying enforcement of the regulations. Comments suggest that the purpose of the July 1, 2022 statutory date for regulations in Civil Code § 1798.185(d) was to provide businesses with six months or more to comply with the regulations. Comments suggest that businesses must have fair and reasonable notice to comply and that they will need a period of time to implement the regulations, to revise policies and	No change has been made in response to these comments. The Agency has made every effort to issue final regulations in a timely manner that comply with the CCPA and the rulemaking procedures. The Agency has considered delaying the effective date and/or the enforcement date of the regulations and has determined that doing so is not more effective in carrying out the purpose and intent of the CCPA than having the regulations take effect in accordance with the standard rules governing rulemaking. *See* Gov. Code § 11343.4(a). Although Civil Code § 1798.185(d) directed the Agency to adopt final regulations required by the Act by July 1, 2022, that directive must be read in conjunction with the CCPA's overarching purpose and intent. The voters intended the law to	W28-1 W29-13 W33-21 W35-2 W37-33 W41-1 W43-27 W44-2 W44-3 W45-1 W52-34 W53-3	0274 0326-0327 0362 0371 0397 0421 0443 0449 0449 0467 0536-0537 0561

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	procedures, to make changes to digital properties, etc. Comments request guidance on when the proposed regulations will come into effect and when the Agency will commence enforcement. Comment suggests delaying the regulations until an independent economic study can determine the impact of the loss of ad revenue and final regulations can minimize that impact. Comments also request that the Agency take into account the impact the regulations and missed deadlines will have on businesses and innovation, and the difficulty for small businesses in understanding and complying with the complex regulatory framework.	take effect on January 1, 2023, and for enforcement to begin July 1, 2023. Delaying the regulations or enforcement would deprive millions of California consumers of the rights codified in the CCPA. Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), § 3(A); Civ. Code §§ 1798.105-125. In addition, the Agency has determined that businesses will have sufficient time to comply with the regulations before the Agency's enforcement commences. Although the proposed regulations are not yet final and have been subject to public comment and amendments, businesses have been aware of the proposed regulations' general contours since July 8, 2022, when they were released. Many of these regulations have been in effect with only slight modifications since 2020. Moreover, when considering whether to investigate a violation or initiate an enforcement action, the Agency, in the exercise of its prosecutorial discretion, may consider the effect that the delay in adopting the regulations has had on a business's ability to comply. Prosecutorial discretion permits the Agency to choose which entities to investigate and whether to initiate an administrative action. How the Agency decides to exercise its enforcement authority is a context-specific, fact-specific, discretionary decision. Proposed regulation § 7301(b) recognizes that, when the Agency investigates violations of the CCPA or its implementing regulations, the Agency has the discretionary authority to consider the effective date of statutory and regulatory requirements and businesses' good-faith efforts to comply with the law. With regard to when the regulations will come into effect, that process is governed by statute and administered by the Office of Administrative Law. The Agency encourages those interested in the regulatory process to join the Agency's email listserv to receive updates on the rulemaking process. Lastly, the Agency complied with the Administrative Procedure Act's requirements for its economic analysis, which contemplates the cost of complying with the regulations, not the	W54-2 W59-72 W61-2 W72-1 W75-32 W76-1 W80-12 W80-13 W84-23 W89-3 W89-4 O2-3 O4-1 O5-1 O8-1 O10-1 O13-1 O14-1 O17-3 O19-1 O20-1	0571 0618 0649 0798 0832 0835 0877 0877 0924 0951 0951 D1 14:14-14:18 D1 16:6-16:21 D1 17:21-18:14 D1 27:17-27:21 D1 33:13-33:22 D1 43:9-43:19 D1 45:22-47:19 D1 56:17-56:25 D1 59:12-60:3 D1 62:10-63:8

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		baseline costs associated with complying with existing law or regulations. The impact on the availability of cross-contextual advertising is a result of the statute, not the regulations, and is not a basis to delay the regulations.		
706.	Comments suggest that the agency engage in a longer and deliberative process to account for potential developments in federal privacy statutes and regulations or the privacy laws and regulations of other states.	No change has been made in response to these comments. The Agency has considered delaying the enforcement of the regulations and has determined that doing so is not more effective in carrying out the purpose and intent of the CCPA than having the regulations take effect in accordance with the standard rules governing rulemaking. *See* Gov. Code § 11343.4(a). Waiting for laws or regulations that may or may not be enacted in other jurisdictions would not advance consumer privacy or promote business compliance.	W34-1 W89-4	0366 0951
707.	Comments suggest delaying enforcement with regard to automated decisionmaking, privacy risk assessments, and cybersecurity audits.	No change has been made because the comments are not directed at any proposed regulation, or the rulemaking procedures followed. The Agency has not addressed automated decisionmaking technology, privacy risk assessments, or cybersecurity audits at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. These other topics will be the subject of future rulemaking.	W37-33 W65-22	0397 0721
708.	Comment suggests that Agency "work with the Legislature" to extend the July 1, 2022 statutory deadline for finalizing regulations and July 1, 2023 statutory date on which enforcement actions may commence, such as an adoption date of January 1, 2023 and enforcement date of January 1, 2024.	No change has been made in response to this comment. The comment proposes legislative action and is therefore not directed at the proposed regulations, or the rulemaking procedures followed.	W54-1 O1-2 O1-5 O12-1	0569-70 D1 11:4-11:12 D1 12:4-12:12 D1 41:8-42:13
709.	Comments suggest that the Agency lacks authority to adopt the regulations after July 1, 2022 statutory deadline for finalizing regulations, and question legality of the	No change has been made in response to these comments. These comments misconstrue the CCPA and lack legal support. The comments cite no legal authority for the proposition that missing a statutory deadline to finalize regulations deprives an agency of the authority to promulgate regulations. More importantly, the CCPA	W54-3 W54-5 O1-4	0572-73 0573 D1 11:22-12:3

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	regulations adopted after the statutory deadline.	does not limit the Agency's rulemaking authority to a specific timeframe. To the contrary, the CCPA provides the Agency with ongoing rulemaking authority. Civ. Code § 1798.185(b), (d).		
710.	Comments suggest that the Agency not delay implementation or enforcement of the CCPA.	No change has been made because the comments are not directed at any proposed regulation, or the rulemaking procedures followed. The proposed regulations do not delay the implementation or enforcement of the CCPA.	W90-4 W90-5 W90-6 O25-3 O28-5	0971 0971-72 0972 D2 17:19-18:1 D2 28:21-28:25
– **Economic Analysis**				
711.	Cost average is misleading because it assumes that businesses are in compliance with current laws. One comment cites studies where many business owners and executives are unaware of the CCPA and that 90% of companies are not fully compliant.	No change has been made in response to these comments. The economic analysis is not required to consider the costs associated with businesses that are not in compliance with existing law. The analysis accounts for the costs associated with complying with the proposed regulations, not the costs of those not compliant with existing law. The analysis considered sources that best provided reliable estimates for the number of California businesses that meet the definition of "business" in Civil Code § 1798.140(d).	W3-3 W30-24 W91-5	0012 0341 1043-1044
712.	Economic analysis grossly underestimates the cost of the regulations. The Agency should have prepared a SRIA because the costs are more than $50M, and thus, the Agency did not comply with the APA.	No change has been made in response to this comment. The Agency's analysis is based on best estimates of the cost impacts for businesses impacted by the proposed regulations. To the extent the comment criticizes the number of businesses accounted for in the Agency's analysis, there are no readily available databases that track businesses that meet the definition of "business" in Civil Code § 1798.140(d). The Agency has made a good faith effort to estimate the costs associated with these regulations. A SRIA was not completed because the cost estimates were not $50M or greater.	W9-1 W13-3 W30-24	0036-0040 0158 0341
713.	BEAR report is deficient and is not substantiated. PRA requests (attached as appendices) yielded no additional support for the analysis.	No change has been made in response to this comment. This comment is incorrect. The BEAR report includes its supporting analysis.	W9-2 W13-3	0041-0042 0158

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
714.	BEAR report does not consider possible benefits and so a cost-benefit analysis of the regulations is impossible.	No change has been made in response to this comment. This statement is incorrect. Government Code § 11346.3 requires the assessment of both costs and benefits, and benefits are additional, rather than offsetting, for the threshold. Direct, indirect, and induced costs to California enterprises and consumers have been fully accounted for in the BEAR report.	W13-1	0157-0158
715.	BEAR report is flawed because the GDPR is not identical to CCPA and the proposed regulations create new enforcement mechanisms, so there are additional regulatory costs. It conflicts with the Agency's position that the GDPR and the CCPA have key differences. Plus, because of litigation risk, compliance costs are higher in the U.S. than in Europe.	No change has been made in response to this comment. The comment misstates the analysis. BEAR did not claim that the GDPR and the CPRA/CPPA are identical. The GDPR is included in the analysis because firms already in compliance with the GDPR are assumed to have lower CPPA compliance costs for select elements of the CCPA that the GDPR already requires. Those CCPA related costs are part of the baseline costs associated with existing law or regulations.	W13-2 W59-73	0158 0618
716.	BEAR report doesn't assess costs for firms that do not currently have $25 million in revenue but are still beginning to comply because they plan to grow.	No change has been made in response to this comment. The analysis focuses on firms that meet the definition of "business" found in Civil Code § 1798.140(d). Firms that do not meet the statutory definition are not required to comply with the CCPA and any costs associated to them are discretionary.	W13-4	0159
717.	BEAR report does not attempt to estimate the number of consumers affected by the proposed regulations and does not consider that businesses will pass the costs onto consumers.	No change has been made in response to this comment. This comment is based on an incorrect conclusion. Government Code § 11346.3 does not require an estimate of the number of consumers affected. While businesses may adopt a number of strategies in response to a regulatory proposal, an economic analysis cannot preemptively assume those strategies. The purpose of the analysis is to estimate the cost of regulatory compliance regardless of the strategies employed.	W13-5	0159
718.	BEAR report should have considered the effect of the regulations on firms and consumers outside of California.	No change has been made in response to this comment. Government Code § 11346.3 requires that the economic impact evaluations be on California businesses, not on firms and consumers outside of California.	W13-6	0159

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
719.	Economic analysis is flawed and underestimates time and direct costs associated with compliance, including for small businesses and the costs they face (such as the cost effectiveness of online platforms they rely on) and the impact from loss of ad revenue. Survey of businesses that are members of CalChamber say that cost is more like 300 hours ($100,000s to $5M or more for larger companies). Most said it would take thousands of hours and the hiring of 1-5 new full-time employees. Compliance will require businesses to dedicate considerable time for data identification and mapping, review and revision of data policies and security measures for non-employee data, and implementation of training programs, among other programming, record-keeping, and reporting measures. These costs are also difficult for small businesses to absorb, particularly given the delay in the regulations. Other comments note that businesses will need to hire consultants, lawyers, staff, updates to tech, and increased labor to respond to data requests and prepare for cybersecurity audits and risk assessments. Another comment notes that the 1.5-hour estimate in the BEAR report is not credible because it is not possible to read and understand the proposed regulations in 1.5 hours, let alone	No change has been made in response to these comments. The economic analysis contemplates the cost of complying with the regulations, not the baseline costs associated with complying with existing law or regulations. Government Code § 11346.3 requires economic impact evaluations that focus on the costs/benefits attributable to the proposed regulations, not those required by statute or associated with the cost of reading the law. The comment does not specify what costs in the survey are imposed because of requirements of the statute and existing law versus costs attributable solely to the regulatory proposal. It is unclear if the costs cited in the comment are purely associated with the proposed regulations. Indeed, the costs associated with responding to data requests are attributable to the statute. Similarly, costs associated with mapping employee data, the availability of cross-contextual advertising, and the cost effectiveness of online platforms are not a result of the proposed regulations but the statute. Moreover, any costs associated with cybersecurity audits and risk assessments are not pertinent to this analysis because they are not included in this regulatory proposal. As to the comment's request for a hearing, the comment misstates the requirements of the APA. A public hearing was held on the entire regulatory proposal on August 24 and August 25, 2022 where the agency accepted all public comment. The request for hearing is moot.	W3-3 W21-2 W28-2 W30-24 W50-1 W59-75 W91-1 W91-3 W95-3 O1-3 O2-1 O2-2 O12-2 O17-2 O20-1 O22-2	0012 0216 0274 0341 0498 0618-0619 1043-1044 1043 1053 D1 11:13-11:21 D1 13:21-13:25 D1 14:1-14:6 D1 41:8-42:13 D1 55:6-56:16 D1 62:10-63:8 D2 8:17-8:20

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	interpret them, make judgments about which regulations require changes, and then implement those changes. Another comment requests a hearing to fully assess financial costs.			
720.	Claims that the cost of the regulations is closer to $1500 per business and cites to 2 studies: (1) DeAndrea Salvador, 2022 Data Privacy Trends: A CCPA Report, DATAGRAIL (Mar. 9, 2022); (2) Alex Woodie, Privacy Costs Rise as CCPA Requests Jump, DATANAMI (Mar. 11, 2022).	No change has been made in response to this comment. The articles cited by the commenter ultimately trace to an estimate produced by the "Gartner" consulting firm, which "[estimated] that manually processing a single [consumer record] request costs $1,524." Setting aside considerations of Gartner's estimation methods, it is relevant to note that the per-request cost of manually processing a record's request is naturally much higher than the per-request cost under a fully or even partially automated system. Automated compliance / request management software is widely available and used among California firms. The existence of such automated processes alone suggests an estimate is overinflated. More significantly, though, this comment's use of the Gartner estimate confuses the regulatory baseline. The costs and benefits estimated here are those attributable solely to the new regulatory changes, not to the entirety of the CCPA or CPRA – the statutory baseline in this context. Gartner's cost estimate does not make this necessary distinction.	W44-1	0447
721.	Comment claims that BEAR report provided inadequate attention to the impact on businesses and innovation and incorrectly stated that there's no readily available database that tracks the number of California businesses subject to CCPA. Claims that the various chambers of commerce have this information and the Agency should have reached out to them. Comment questions the BEAR report's	No change has been made in response to this comment. The BEAR report relied on data sourced from the Statistics of U.S. Businesses, which represents a more reliable data source than reaching out to local chambers of commerce. While there is an inherent challenge in arriving at a precise number of affected firms, the BEAR report adopted a conservative approach, including all firms within relevant subsectors that could plausibly sell/share 100,000 pieces of information per year. The STD 399 form content, in addition to referenced SRIA analyses of earlier CCPA regulations, describe in detail the rationale for the "important consumer benefits"	W54-6 W54-7 W54-8 W54-9 W54-10	0573-0574 0573 0573-0574 0574 0574

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	calculations regarding the number of businesses impacted, the number of jobs created and eliminated, and the costs businesses and individuals may incur to comply with the regulation over its lifetime. Comment also claims that the BEAR Report made a conclusory statement about innovation: "Detailed specification of user interface may reduce product variety, but this impact is expected to be minimal and confers important consumer benefits." Comment disbelieves the $127.50 cost per business in light of BEAR saying that they had limited information.	characterization. In noting the prospect for a (minimal) "[reduction in] product variety," the BEAR report refers to the direct user interface impacts of these regulatory changes (i.e., very minute changes to particular webpage content relative to the statutory baseline). The estimates in the recent (2022) STD 399 submission pertain to the proposed regulatory changes, not to the statutory baseline. The older (2019) STD 399 was an evaluation of the entirety of the CCPA which, upon its establishment, becomes part of that baseline.		
722.	Section B(3) estimates that reporting businesses will incur $2.8 million in annual compliance costs but that the lifetime compliance will cost $8 million total. The Agency should explain these discrepancies.	No change has been made in response to this comment. The comment misstates the analysis. The $2.8 million are costs associated with § 7023(d). The $8 million compliance cost that is referred to here was an error in the Form STD 399 that has now been corrected.	W59-74	0618
723.	Comment claims that there's too big of a discrepancy between the economic analysis and the SRIA that the AG's office did.	No change has been made in response to this comment. For the purposes of its economic analysis, the Agency looked to the legal environment that consists of existing California law as well as other relevant privacy obligations to comprise the baseline economic conditions for the proposed regulations. This comment misunderstands the difference between the baseline impact and the regulatory impact. The Agency's economic analysis of this regulatory proposal is specifically concerned with the impacts attributable to the proposed regulations rather than the impacts associated with baseline.	W91-2	1043

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
724.	Comment claims it's highly unlikely that only 1% of small businesses will be directly affected by the regulations.	No change has been made in response to this comment. The Agency's economic analysis relied on Statistics of U.S. Business, which excludes self-employed persons and is appropriate for the analysis because the majority of self-employed people will not meet the statutory definition of a "business" to which the CCPA applies. To the extent a self-employed individual is subject to the CCPA, they are likely required to be registered as a data broker and have been accounted for in the analysis.	W91-4	1043
– **Employee/Business-to-Business Personal Information**				
725.	Comments are concerned about the consequences and compliance issues after the employee and business-to-business data exemptions expire. Comment suggests Comments suggest providing guidance to aid in compliance. Comments are concerned with (1) responding to consumer requests when consumer data is unstructured or (2) the utilization of employee requests as a pre-litigation tool. Another comment contends that employee and commercial data are fundamentally different from consumer data and recommends clarifying that the proposed regulations will not apply in employment or business-to-business contexts until there has been a separate rulemaking that the commenter recommends.	No change has been made in response to these comments. The Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on this issue is necessary.	W11-3 W24-3 W37-30 W37-31 W36-14 W36-15 W36-16 W36-17 W40-15 W52-33 W52-62 W67-4	0142 0229-0230 0397 0397 0383-0384 0384 0384 0384 0413 0535-0536 0553 0738
726.	Requests clarification that employers may afford self-service options for employees to effectuate requests for information.	No change has been made in response to this comment. The regulation provides general guidance and flexibility that is meant to apply to a wide-range of factual situations and across different industries. They provide businesses with discretion in determining how to respond to consumer requests that best fits their business	W36-18	0384

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		and customers/patrons/clients. There is nothing in the regulations that precludes businesses from providing consumers a self-service option to access their personal information.		
727.	Delay expiration of employment or business-to-business exemptions until January 1, 2024, or for a grace period matching an extension of enforcement of regulations, to allow businesses time to comply with regulations.	No change has been made in response to this comment. The comment objects to the CCPA, not the proposed regulations. Civil Code §§ 1798.145(m)(4) and 1798.145(n)(3) state that the subdivisions shall become inoperative on January 1, 2023. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W37-32 W45-28 W89-50	0397 0473 0967
– **Exceeds Scope**				
728.	Comments believe that the proposed regulations exceed what is required by the underlying statute. The Agency should avoid creating regulatory mandates that far exceed the requirements of the CCPA and CPRA.	No change has been made in response to these comments. The comments do not provide the Agency with sufficient specificity about which provisions they believe exceed the substantive and procedural scope of the CCPA or CPRA to make any modifications to the text of the regulations. Civil Code § 1798.185(b) provides the Agency with authority to adopt regulations as necessary to further the purposes of the CCPA. For the reasons set forth in the ISOR and FSOR, the regulations are consistent with and necessary to carry out the purpose and intent of the CCPA. *See*, *e.g.*, ISOR, pp. 9, 14, 16, 19, 21; *see generally* FSOR. Moreover, the Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope. For those comments that provide more specificity, the Agency has addressed them separately in other sections.	W11-2 W25-1 W52-3 W57-3	0142 0239-0240 0526-0527 0592, 0593-0594
– **Industry Specific**				
729.	Comment applauds the current regulations for supporting the role of service providers in dealing with privacy concerns on behalf of the controlling business. Comment recommends that the regulations "recognize that any business that functions as a 'service provider' does not control the collection and use of consumers' personal	No change has been made in response to this comment. To the extent the comment supports the proposed regulations, the Agency appreciates this comment of support. The comment does not provide sufficient specificity to the Agency to make any modifications to the text. The CCPA defines "business," "service provider," and "contractor," and imposes obligations and restrictions upon them. *See, e.g.,* Civ. Code §§ 1798.100(d), 1798.140(d), (j), (ag). The CCPA also defines "personal information"	W20-4	0205-0207, 0210

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	information" and that responsibility for CCPA-compliance should fall on test owners and test users, depending upon which entity controls what personal information is collected and how it's used. Comment contends that test results are not personal information and objects to "application of overly prescriptive privacy requirements on the sharing of test results."	to include, among other things "information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer." Civ. Code § 1798.140(v)(1). The regulations are consistent with and implement the statutes' requirements. Whether an entity would be a "business" or a "service provider" or "contractor" in a given situation, and whether test results would be "personal information" would require a fact-specific determination. The comment appears to raise specific legal questions that would require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. The regulation provides general guidance for CCPA compliance.		
730.	Comment asserts that the draft regulations should explicitly enumerate the exemption for the insurance industry. Due to the extensive oversight that insurers are already subject to, a decision was made during the adoption of the CCPA that those already subject to federal privacy law would not be subject to certain provisions of the CCPA. The importance of these exceptions was critical to ensure conformity and compliance across multiple industries.	No change has been made in response to this comment. Civil Code § 1798.185(a)(21) provides the Agency with authority to review the California Insurance Code and regulations pertaining to privacy and identify which, if any, provisions of the CCPA provide greater protection to consumers than those of the Insurance Code and regulations. To the extent the Insurance Code does not provide greater protection to consumers, the Agency must adopt regulations for the insurance industry. In compliance with Civil Code § 1798.185(a)(21), the Agency is reviewing current and proposed insurance privacy laws and will issue any necessary regulations at a future date.	W61-1	0648-0649
731.	Comments request that the Agency carefully assess the existing insurance-specific privacy and cybersecurity requirements under which the industry currently operates in California before drafting any regulations applicable to the industry and implement a formal	No change has been made in response to this comment. Civil Code § 1798.185(a)(21) provides the Agency with authority to review the California Insurance Code and regulations pertaining to privacy and identify which, if any, provisions of the CCPA provide greater protection to consumers than those of the Insurance Code and regulations. To the extent the Insurance Code does not provide greater protection to consumers, the Agency must adopt	W61-3 W61-14 W65-1 W65-20	0649-0650 0652 0710-0716, 0721 0721

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	moratorium on enforcement of the CCPA against insurance industry entities until the CDI and the NAIC complete their work.	regulations for the insurance industry. In compliance with Civil Code § 1798.185(a)(21), the Agency is reviewing current and proposed insurance privacy laws and will issue any necessary regulations at a future date. With regard to the request for a formal moratorium on enforcement against insurance industry entities, the Agency has prosecutorial discretion to choose enforcement priorities. *But see* Civ. Code § 1798.185(d) (enforcement may not begin until July 1, 2023). How the Agency decides to exercise its enforcement authority is beyond the scope of the regulations and is a fact-specific determination.		
– **Loyalty Programs**				
732.	Comment suggests distinguishing between loyalty programs and financial incentives. Loyalty programs are not offered to entice consumers to disclose personal information, but rather to strengthen an ongoing relationship the consumer already has with the business. Comment recommends that regulations be amended accordingly.	No change has been made in response to this comment. The Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on this issue is necessary.	W14-16	0167
– **Miscellaneous**				
733.	Comment outlines the unique privacy concerns faced by the testing industry, such as test taker's purpose in personal or professional advancement. Comment notes that testing organizations have a strong interest in identifying the person taking the test. Comment asks the Agency to take those concerns into account when adopting final regulations.	No change has been made in response to this comment, which is an observation rather than a specific objection or recommendation regarding the regulations. The comment does not provide sufficient specificity for the Agency to make any modifications to the text. To the extent the comment implies that exceptions to the consumers rights in the CCPA, such as the exception to the right to delete in Civil Code § 1798.105(d), apply to the test taking industry, the comment appears to raise specific legal questions that would require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W20-1	0203-0205

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
734.	Comment urges the Agency to exempt personally identifiable information already subject to the Family Educational Rights and Privacy Act ("FERPA") (20 U.S.C. § 1232g; 34 CFR Part 99) from the proposed regulations.	No change has been made in response to this comment. The CCPA defines "personal information" to include, among other things "education information, defined as information that is not publicly available personally identifiable information as defined in the Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99)," "if it identifies, relates to, describes, is reasonably capable of being associated with, or could be reasonably linked, directly or indirectly, with a particular consumer or household." Civ. Code § 1798.140(v)(1)(J). The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W20-2	0204
735.	Comment recommends examples explaining appropriate use of de-identified or aggregated information, including uses in testing. Testing organizations often de-identify test takers' personal information by anonymizing it and aggregating it for research purposes, whether that is to conduct norming studies or to improve future versions of the test. Comment recommends that the Agency provide use cases to confirm and clarify these situations.	No change has been made in response to this comment. The CCPA defines "aggregate consumer information" and "deidentified," and the CCPA's definition of "personal information" does not include deidentified or aggregate consumer information. Civ. Code § 1798.140(b), (m), (v)(3). The Agency has determined that no further clarification is needed at this time. Whether information meets those definitions would require a fact-specific determination. The comment appears to raise specific legal questions that would require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns	W20-22 W20-23	0210 0210
736.	Comments seek clarification on the definition of "business," including the application of the "(B)" threshold and what is meant by "does business in California." The current definition of $25M in gross revenues does not clarify where that revenue is to be derived from, which also causes confusion. Comment also suggests a revision to the definition of "business" to provide harmonization with other states.	No change has been made in response to these comments. The definition set forth in Civil Code § 1798.140(d) is reasonably clear and the Agency has determined that no further clarification is needed at this time. To the extent that the commenter seeks additional clarity, it appears to raise specific legal questions that would require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns. Regarding the comment's suggestion to modify the definition of "business" to harmonize with other states, that suggestion is inconsistent with the statute, which	W32-2 W80-16 W80-17	0348 0880-0881 0881

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		already defines "business." The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope. The Agency seeks to harmonize with other privacy laws, but only to the extent that doing so is consistent with, and furthers the intent and purposes of, the CCPA.		
737.	Clarify whether, if a California resident is not physically in California when data is collected, that information is exempt from CCPA. Other portions of the regulations seem to intimate that merely being "domiciled" in California would subject the data to CCPA. What if that same "domiciled" person spends long periods of time in another state—is all their data subject to CCPA, or does it only apply to data generated when the consumer was physically present in the state?	No change has been made in response to this comment. The statute is reasonably clear. The CCPA defines "consumer" as "a natural person who is a California resident, as defined in Section 17014 of Title 18 of the California Code of Regulations…" (*see* Civ. Code § 1798.140(i). The CCPA also makes clear that the obligations it imposes upon businesses shall not restrict a business's ability to "collect, sell, or share a consumer's personal information if every aspect of that commercial conduct takes place wholly outside of California … if the business collected that information while the consumer was outside of California, no part of the sale of the consumer's personal information occurred in California, and no personal information collected while the consumer was in California is sold. This paragraph shall not prohibit a business from storing, including on a device, personal information about a consumer when the consumer is in California and then collecting that personal information when the consumer and stored personal information is outside of California." Civ. Code § 1798.145(a)(7). To the extent that the commenter seeks additional clarity, it appears to raise specific legal questions that would require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W32-12 W58-29	0349-0350 0607
738.	The Agency should keep the benefits of data-driven advertising in mind as it updates the proposed regulations implementing the CPRA. Overly broad	No change has been made in response to this comment, which is an observation rather than a specific objection or recommendation regarding the regulations. The comment does not provide sufficient specificity for the Agency to make any modifications to the text. In drafting the regulations, the Agency considered the impact on	W44-34	0461

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	regulations that unnecessarily hinder or limit data-driven advertising would harm Californians and California businesses alike.	businesses and consumers and determined that these regulations are necessary to implement the CCPA. *See generally* ISOR and FSOR.		
739.	Comment agrees that clear guidelines for businesses to implement the law's requirements are necessary to ensure consumers are able to easily and effectively manage their rights under the CCPA. Comment states that the Agency should continue to evaluate and further refine the regulations through subsequent rulemaking activities.	No change has been made in response to this comment. To the extent the comment supports the proposed regulations, the Agency appreciates the comment, and no further response is required. The comment regarding continued evaluation and further refinement through subsequent rulemaking does not provide sufficient specificity for the Agency to make any modifications to the text.	W46-1 W53-1 W57-5	0475 0559-0561 0592-0593
740.	Comment supports the Agency's establishment of privacy protections for Californians and its inclusion of examples illustrating key concepts and providing interpretive insight. Comment urges the Agency to add examples and more detail to provide consumers and businesses with clear guidance. Examples are critical to structuring effective privacy compliance programs, and the concepts discussed would benefit from a practical, real-world illustration showing how the Agency views the matter at hand.	No change has been made in response to this comment. To the extent the comment supports the proposed regulations, the Agency appreciates the comment, and no further response is required. The comment regarding additional examples and detail does not provide sufficient specificity for the Agency to make any modifications to the text. Additional examples may not be more effective in carrying out the purpose and intent of the CCPA, because comprehension may be contextual and specific to the industry or business. The Agency has determined that no further clarification is needed at this time.	W48-1 W60-1	0488 0621
741.	Add a new § 7000(c) to clarify that the proposed regulations' requirements never require re-identifying or linking data with a customer where it is not already maintained in that format.	No change has been made in response to this comment because the comment is not directed at any proposed regulation or the rulemaking procedures followed. The CCPA already includes the statement that it "shall not be construed to require a business, service provider, or contractor to reidentify or otherwise link information that, in the ordinary course of business, is not	W52-49	0545

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		maintained in a manner that would be considered personal information." Civ. Code § 1798.145(j)(1).		
742.	Comment introduces its scorecard approach to compare proposed regulations to its own "regulation safety criteria," which includes scoring legend and terminology.	No change has been made in response to this comment because the comment is not directed at any proposed regulation or the rulemaking procedures followed. The Agency makes no comment on the ISL consumer scorecard.	W58-2	0601
743.	Comment suggests that the Agency set a duty of loyalty standard for businesses collecting large amounts of personal information. Comment claims that the Agency has authority to promulgate a duty of loyalty and recommends that the Agency obtain such authority if it does not. Alleges that the CCPA is weaker than the ADPPA because the ADPPA provides a duty of loyalty.	No change has been made in response to this comment. The comment is not directed at any proposed regulation or the rulemaking procedures followed. However, the Agency takes the general position that the CCPA provides stronger overall privacy protections for Californians than the ADPPA, and the Agency Board accordingly voted unanimously to oppose the ADPPA in July 2022. *See* CPPA Staff Memo, Analysis and Recommended Agency Position on Federal Legislation, H.R. 8152: The American Data Privacy and Protection Act (Version: July 22, 2022) (July 26, 2022), available at https://cppa.ca.gov/meetings/materials/20220728_item2_cppa_staff_memo_hr8152.pdf; CPPA Press Release, California Privacy Protection Agency Releases Letter Opposing H.R. 8152, the American Data Privacy and Protection Act (Aug. 15, 2022).	W58-20 W58-21	0605 0605
744.	Comment appears to object to Civil Code § 1798.145(a)(7), which states that the CCPA should not apply to commercial conduct that takes place wholly outside of California. Claims that the exemption could result in invasive location-tracking of Californians and runs contrary to consumers' reasonable expectations that they'll be protected everywhere. Comment asks why the Agency does not apply the GDPR's territorial scope logic to protect	No change has been made in response to this comment. The comment is contesting the language of the CCPA, not a proposed regulation. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W58-29	0607

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	consumers regardless of whether the processing takes place in California.			
745.	Comment suggests that the Agency prioritize preventing consumer harms and promoting privacy-protective business practices over establishing new prescriptive obligations. The Agency should reconsider prescriptive approaches it has taken for disclosure requirements in privacy policies, notices at collection, and service provider contracts and set forth more flexible rules, or at a minimum make clear that only a material failure to abide by the regulations would be considered a violation of the law.	No change has been made in response to this comment. The comment proposes an interpretation of the CCPA that is inconsistent with the language, structure, and intent of the CCPA. As explained in the ISOR, the regulations pertaining to disclosure requirements in privacy policies, notices at collection, and service provider contracts are necessary and consistent with the CCPA. *See, e.g.,* Civ. Code §§ 1798.100(a), (d), 1798.105(a), (c), 1798.121(c), 1798.130(a)(3)(A), (a)(5), 1798.135(f), 1798.140(ag), (j); ISOR pp. 14-19, 50-51. The comment's proposed alternative of considering only "material failures" to be violations of the law would not be more effective in carrying out the purpose and intent of CCPA. One of the enumerated purposes of CCPA is to hold businesses accountable through vigorous administrative and civil enforcement (Prop. 24, as approved by voters, Gen. Elec. (Nov. 3, 2020), § 3(C)(7)). The proposed alternative would unnecessarily impede the Agency's right to vigorously enforce the law, contrary to the purpose and intent of CCPA. Additionally, the proposed alternative is vague and does not provide meaningful guidance for businesses, service providers, contractors, and third parties to help them understand what would be required of them, nor does it provide meaningful guidance for consumers. Moreover, the Agency may exercise prosecutorial discretion if warranted, depending on the particular facts at issue. Prosecutorial discretion permits the Agency to choose which entities to investigate and whether to initiate an administrative action. How the Agency decides to exercise its enforcement authority is a context-specific, fact-specific, discretionary decision. Proposed regulation § 7301(b) recognizes that, as part of the Agency's decision to pursue investigations of possible or alleged violations of the CCPA, it may	W75-1 W86-2	0814 0937

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		consider all facts it determines to be relevant, including good faith efforts to comply with the law.		
746.	Clarify the definition of "cross-context behavioral advertising." Comment claims that the language arguably is ambiguous when it comes to "retargeting."	No change has been made in response to this comment. The proposed clarification is unnecessary because the CCPA is reasonably clear. The CCPA defines "cross-context behavioral advertising" as "the targeting of advertising to a consumer based on the consumer's personal information obtained from the consumer's activity across businesses, distinctly-branded websites, applications, or services, other than the business, distinctly-branded website, application, or service with which the consumer intentionally interacts." Civ. Code § 1798.140(k). The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope, and has determined that no further clarification is needed at this time. Whether a particular activity would meet the definition of cross-context behavioral advertising raises specific legal questions that would require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.	W83-36	0911
747.	Comment suggests adding illustrative examples involving consumer health and wellness wearables and other IoT devices.	No change has been made in response to this comment. The comment does not provide sufficient specificity to the Agency to make any modifications to the text. Examples are provided throughout the regulations, and it is unclear in what context the comment seeks these examples. In general, the regulation is meant to apply to a wide range of factual situations and across industries. The comment's proposal to add examples involving health and wellness wearables and other IoT devices may not be more effective in carrying out the purpose and intent of the CCPA because comprehension may be contextual and specific to the industry or business.	W85-2	0928
748.	Comment recommends that all consent be explicit opt-in. Explicit opt-in will	No change has been made in response to this comment. The CCPA gives consumers the right to opt *out* of the sale/sharing of their	W88-1 W98-1	0948 1071

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	dramatically decrease the amount of data companies have. Due to less data being kept, the cost of notifications and security will decrease as well. Another comment suggests that consumers could not be denied essential online services on the basis of their opt-in status.	personal information and the right to limit the use and disclosure of their sensitive personal information. Civ. Code §§ 1798.120, 1798.121. The CPRA amendments to the CCPA also now require a business's collection, use, retention, and sharing of a consumer's personal information to be "reasonably necessary and proportionate to achieve the purposes for which the personal information was collected or processed, or for another disclosed purpose that is compatible with the context in which the personal information was collected, and not further processed in a manner that is incompatible with those purposes." Civ. Code § 1798.100(c). To the extent the comment advocates for a regulation that changes this framework, the Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope. The Agency cannot convert the CCPA's opt-out requirements into opt-in requirements, but the statute already includes prohibitions against collecting or retaining personal information that is not reasonably necessary and proportionate. To the extent the comment suggests that businesses are not already prohibited from denying consumers goods or services on the basis of exercising their opt-out rights, the comment misinterprets the law. The CCPA prohibits businesses from discriminating against consumers for exercising any right under the CCPA, including by denying goods or services to the consumer. *See* Civ. Code § 1798.125(a).		
749.	Comment recommends increasing public outreach and education.	No change has been made in response to this comment. The comment is not directed at any proposed regulation or the rulemaking procedures followed. However, the comment's recommendation to increase public outreach and education is noted. The CCPA directs the Agency to promote public awareness and understanding of the risks, rules, responsibilities, safeguards, and rights in relation to the collection, use, sale, and disclosure of personal information; and to provide guidance to consumers regarding their rights under the CCPA. *See* Civ. Code §	W88-2	0948

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		1798.199.40(d), (e). The Agency takes these mandates seriously and will fulfill them.		
750.	Comment requests that Californians' privacy rights be preserved despite the ADPPA.	No change has been made in response to this comment. The comment is not directed at any proposed regulation or the rulemaking procedures followed. However, the comment's request is noted. The Agency takes the general position that the CCPA provides stronger overall privacy protections for Californians than the ADPPA, and the Agency Board voted unanimously to oppose the ADPPA and any other bill that seeks to preempt the California Consumer Privacy Act (CCPA) in July 2022. *See* CPPA Staff Memo, Analysis and Recommended Agency Position on Federal Legislation, H.R. 8152: The American Data Privacy and Protection Act (Version: July 22, 2022) (July 26, 2022), available at https://cppa.ca.gov/meetings/materials/20220728_item2_cppa_staff_memo_hr8152.pdf; CPPA Press Release, California Privacy Protection Agency Releases Letter Opposing H.R. 8152, the American Data Privacy and Protection Act (Aug. 15, 2022).	W88-4	0948
751.	Comment shares concerns about the availability of personal information to stalkers online.	No change has been made in response to this comment. The comment is not directed at any proposed regulation or the rulemaking procedures followed. However, the Agency thanks the commenter for sharing their experience and notes their concerns. The Agency takes its mandate to protect consumers seriously, including the CCPA's direction that the Agency protect the fundamental privacy rights of natural persons with respect to the use of their personal information through the implementation of the CCPA. *See* Civ. Code § 1798.199.40(c).	W93-1	1051
752.	Comment claims that this rulemaking is a new way to make new rules and collect more fees without holding hearings and being held accountable to anyone.	No change has been made in response to this comment. In November 2020, California voters approved Proposition 24, the CPRA, which amended the CCPA and established the Agency and vested it with the full administrative power, authority, and jurisdiction to implement and enforce the CCPA. The Agency's responsibilities include updating existing regulations and adopting	W95-1	1053

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		new regulations to implement the CCPA. In proposing these regulations, the Agency has followed the Administrative Procedure Act. The public may review the ISOR and FSOR to understand the necessity for each proposed regulation. The public also had the opportunity to provide comment on the proposed regulations via public hearings on August 24 and 25, 2022, and via written comment from July 8, 2022 to August 23, 2022, and from November 3, 2022 to November 21, 2022.		
753.	Comment expresses concerns about Nordstrom refusing to comply with CCPA request and allegedly retaliating against them for exercising privacy rights.	No change has been made in response to this comment. The comment is not directed at any proposed regulation or the rulemaking procedures followed. If the commenter believes a business has violated the CCPA, they may file a consumer complaint with the Office of the Attorney General at https://www.oag.ca.gov/contact/consumer-complaint-against-business-or-company. Beginning July 1, 2023, the Agency is tasked with enforcing the CCPA through administrative enforcement actions. As set forth in § 7033(a), consumers may file sworn complaints with the Enforcement Division via the electronic complaint system available on the Agency's website at https://cppa.ca.gov/ or submitted in person or by mail to the headquarters office of the Agency.	W100-1 O26-1	1073, 1075 D2 19:14-22:8
754.	Comment expresses concern about lack of input of minority-owned business leaders in the stakeholder process. The Agency should do more to reach small business owners, because the regulations will impact how they do business.	No change has been made in response to this comment. In proposing these regulations, the Agency has followed the Administrative Procedure Act. The public may review the ISOR and FSOR to understand the necessity for each proposed regulation. The public also had the opportunity to provide comments on the proposed regulations via public hearings on August 24 and 25, 2022, and via written comment from July 8, 2022 to August 23, 2022, and from November 3, 2022 to November 21, 2022. The public may review the Agency's response to each comment on the proposed regulations in the FSOR and these appendices.	O21-1	D1 64:1-65:3

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
755.	Comment expresses concern that several provisions in the proposed regulations contravene clear text of CPRA.	No change has been made in response to this comment. The comment does not provide sufficient specificity to the Agency to make modifications to the text. Regardless, the Agency does not believe that the proposed regulations conflict with the language, structure, and intent of the CCPA. As explained in the ISOR and FSOR, the Agency identified the necessity for each proposed regulation in implementing the CCPA's statutory requirements.	O22-1	D2 8:16-8:18
756.	Comment recommends that the Agency explore a private-public partnership to deliver on pro-consumer mission in a rapid and efficient fashion. Many of the proposed regulations focus on gatekeeper functionality, while commenter is for privacy control solutions.	No change has been made because the comment is not directed at any proposed regulation or the rulemaking procedures followed. In addition, with respect to comment's statement on the proposed regulations' focus on gatekeeper functionality, the Agency's responsibilities include updating existing regulations and adopting new regulations to implement the CCPA. As explained in the ISOR and FSOR, the Agency identified the necessity for each proposed regulation in implementing the CCPA's statutory requirements.	O22-3	D2 9:1-10:4
757.	Comment expresses concern about inability to invoke CCPA rights and that there is no punishment for companies using commenter's identity and taking their personal information without permission. Another comment outlines its study of the difficulties that consumers had submitting CCPA requests to businesses in the automotive industry, and requests that the Agency monitor companies that ignore requests and provide feedback on what escalation mechanisms consumers and agents should be using to get timely responses.	No change has been made because the comment is not directed at any proposed regulation or the rulemaking procedures followed. If the commenter believes a business has violated the CCPA, they may file a consumer complaint with the Office of the Attorney General at https://www.oag.ca.gov/contact/consumer-complaint-against-business-or-company. Beginning July 1, 2023, the Agency is tasked with enforcing the CCPA through administrative enforcement actions. As set forth in § 7033(a), consumers may file sworn complaints with the Enforcement Division via the electronic complaint system available on the Agency's website at https://cppa.ca.gov/ or submitted in person or by mail to the headquarters office of the Agency.	W55-1 O23-1	0577-0579 D2 10:23-12:17
758.	Comments recommend strengthening the law or following a GDPR-style law.	No change has been made in response to this comment. The comment expresses a preference for a GDPR-style law instead of CCPA. The comment objects to the CCPA, and not the proposed	O23-1 O31-1	D2 10:23-11:17 D2 36:8-38:9

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		regulations. The Agency cannot implement regulations that alter or amend the statute or enlarge or impair its scope.		
759.	Comment expresses concern about issues with their CCPA request with Samsung and with confusing and long user interfaces related to cookies.	No change has been made in response to this comment. Section 7004 appropriately addresses commenters' concerns regarding user interfaces and businesses' requirements for methods for submitting CCPA requests and obtaining consumer consent. As stated in the regulation, these methods must be easy to understand and execute, provide symmetry in choice, avoid confusing language and interactive elements, and avoid choice architecture that impairs or interferes with the consumer's ability to make a choice. Lastly, the comment's statements regarding CCPA requests is not directed at any proposed regulation or the rulemaking procedures followed. If the commenter believes a business has violated the CCPA, they may file a consumer complaint with the Office of the Attorney General at https://www.oag.ca.gov/contact/consumer-complaint-against-business-or-company. Beginning July 1, 2023, the Agency is tasked with enforcing the CCPA through administrative enforcement actions. As set forth in § 7033(a), consumers may file sworn complaints with the Enforcement Division via the electronic complaint system available on the Agency's website at https://cppa.ca.gov/ or submitted in person or by mail to the headquarters office of the Agency.	O29-1	D2 29:20-31:18
760.	Comment states that it hopes CCPA can include special penalties for violations against sites that own and share information of survivors of abusive predators.	No change has been made in response to this comment. The CCPA identifies the relevant administrative fines and civil penalties for violations by businesses, service providers, contractors, or other persons. *See* Civ. Code, §§ 1798.155, 1798.199.90. The Agency cannot implement regulations that alter or amend the statute or enlarge or impair its scope.	W101-1	1076
761.	Comment inquires about penalties for businesses for intentionally misleading consumers about whether they comply with the CCPA/CPRA or are exempt.	No change has been made in response to this comment. The comment appears to raise legal questions that would require a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant	W15-1	0169-0170

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	Consumer states that he encounters businesses that publicly state that they are CCPA-compliant or will honor CCPA requests, but then say they are exempt in response to a request. Comment asks about process for filing a complaint and about the Agency's purview versus the FTC's preview.	compliance concerns. As to the comment's inquiry about the complaint filing process, if the commenter believes a business has violated the CCPA, they may file a consumer complaint with the Office of the Attorney General at https://www.oag.ca.gov/contact/consumer-complaint-against-business-or-company. Beginning July 1, 2023, the Agency is tasked with enforcing the CCPA through administrative enforcement actions. As set forth in § 7033(a), consumers may file sworn complaints with the Enforcement Division via the electronic complaint system available on the Agency's website at https://cppa.ca.gov/ or submitted in person or by mail to the headquarters office of the Agency.		
762.	Comment requests guidance on how the Agency would address organizations that are unsure if they are exempt from CCPA but choose to comply with the law.	No change has been made in response to this comment. The CCPA's definitions of "business," "service provider, "contractor," and "third party" and the statute's list of exemptions are reasonably clear in addressing which organizations are subject to CCPA obligations. Civil Code §§ 1798.140, 1798.145. With respect to organizations that may be exempt from CCPA obligations but choose to comply with the CCPA, the Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on this issue is necessary.	O3-1	D1 15:5-15:13
763.	Comment suggests that the Agency create specific language to govern the future of privacy legislation more clearly in California. Supplemental language that addresses specifically empowering consumers to have more control over handling of their personal information for what kind of legislation is included in the furtherance of privacy and what kinds are not.	No change has been made because the comment is not directed at any proposed regulation or the rulemaking procedures followed. The comment appears to request that the Agency to act in a legislative capacity.	W62-21	0667

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
– **Model Notices and Languages**				
764.	Comments suggest that model notices and standardized disclosures, or templates, be provided and are necessary to: (1) promote consumer understanding; (2) ensure clear and consistent notices; and (3) assist business. The Agency should develop a model interface or language for obtaining consent to opt back into the sharing of information and obtaining consent for secondary processing of sensitive personal information. This would help combat dark patterns. If the Agency's guidance is insufficient, the Agency can be more prescriptive and provide a narrower range of choices and language for businesses.	No change has been made in response to these comments. The regulations provide general guidance for CCPA compliance and are meant to be robust and applicable to many factual situations and across industries. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine how to provide additional models, sample language, and/or templates.	W48-2 W80-15 W83-30	0489 0878 0908-0909
– **Need Regulation**				
765.	Comments seek regulations regarding cybersecurity audits and risk assessments and recommend various provisions be included. They include: (1) defining the scope of the audit and the process for determining the audit is thorough, accurate, transparent, independent, and considered within the context of reasonable security procedures and practices; (2) requiring audits to occur on a regular basis or a minimum number of times per year, and be scalable, and consistent; (3) limiting audits and risk assessments to items that pose "significant risk," such as financial information; (4)	No change has been made in response to this comment. The Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. The Agency will promulgate regulations regarding cybersecurity audits and risk assessments in a future rulemaking package.	W3-2 W4-2 W4-3 W5-4 W5-5 W5-6 W5-7 W65-21 W89-49	0012 0019 0020 0024 0024 0024-0025 0025 0721 0967

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	limiting audits and risk assessments to larger firms; (5) including in the scope of the audit the security practices and controls performed by third parties; and (6) consider reviewing existing requirements under PNPI. These regulations should be prioritized so businesses may have adequate guidance to conduct audits and assessments.			
766.	The Agency has yet to take on the full breadth of it's rulemaking powers, leaving some areas untouched at present, such as processing that presents a significant risk to consumer's privacy or security, cybersecurity audits and risk assessments performed by businesses, and automated decisionmaking. One comment also notes that the NAIC is reviewing the use of AI and machine learning in the insurance business and evaluating AI/ML regulatory frameworks and governance.	No change has been made in response to this comment, which is an observation rather than a specific objection or recommendation regarding the regulations.	W53-5 W65-21	0561 0721
767.	Need regulation that avoids exploitation of biometric and ethnic data. Advocates for the protection of diverse ethnic populations.	No change has been made in response to this comment. The comment does not provide sufficient specificity for the Agency to make any modification to the text of the regulations. To the extent that the comment seeks the inclusion of new regulations, the Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on this issue is necessary. However, the Agency appreciates and takes under consideration the comment's general admonition to protect the privacy rights of ethnic communities.	W12-1	0155

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
768.	Requests defining natural persons to only include living persons.	No change has been made in response to this comment. The proposed clarification is unnecessary because the CCPA is reasonably clear. Civil Code § 1798.140(i) defines "consumer" to mean a natural person who is a California resident as defined in § 17014 of Title 18 of the California Code of Regulations. A deceased individual is not a California resident.	W37-22	0394
769.	Need regulation clarifying when, how, and on what bases government actors can demand various categories of personal information from neutral third parties and under what circumstances third-party businesses can be forced to retain personal data for the sole reason of permitting future government access.	No change has been made in response to this comment. The Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on this issue is necessary.	W38-2	0400-0401
770.	Need regulation on how government actors request personal information. Government requests for data involved more than a quarter million accounts in the first half of 2021 alone. Government actors should be held to a higher standard and regulations should reflect that. The Agency should formally interpret "law enforcement agency-approved investigation" to require itself and other Californian government actors to be protective of peoples' privacy and commit to similar data-access limitations as private businesses to ensure peoples' privacy isn't unnecessarily compromised.	No change has been made in response to this comment. The Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on this issue is necessary.	W38-3 W38-5 W38-6 W38-7 W38-8 W38-9	0401-0404
771.	Seeks regulation to permit two-way recording of phone calls with commercial entities.	No change has been made in response to this comment. The comment is not directed at any proposed regulation, or the rulemaking procedures followed. It is also unclear whether the suggested regulation is within the purview of the CCPA and the	W73-1	0804

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
		Agency's rulemaking authority. Further analysis is required to determine whether a regulation on this issue is necessary and within the Agency's rulemaking authority.		
772.	Seeks regulation of permissible "business purposes" pursuant to Civil Code § 1798.185(a)(10) that includes cloud computing and cloud storage. Comment also raises concerns that people treat the list of business purposes as suggestive examples.	No change has been made in response to this comment. The Agency has determined that no modification is necessary at this time. The definition of "business purpose" includes performing services on behalf of the business, including providing analytic services, providing storage, or providing similar services on behalf of the business. Civ. Code § 1798.140(e)(5). Separately, with respect to the comment's concern that the list of business purposes under CCPA is treated as suggestions rather than requirements, the regulations address this concern. For example, § 7051(a)(2) requires identification of the specific business purpose subject to the contract, and § 7050(a)(1) prohibits service providers or contractors from retaining, using, or disclosing personal information collected pursuant to the written contract outside of the specific business purpose identified in the contract (subject to limited exceptions). In addition, these requirements cross-reference the business purpose definition in CCPA to make clear what business purposes are permitted under the statute. The Agency will continue to observe the marketplace and revisit this issue as necessary.	W102-21	1085
– **Other Privacy Laws**				
773.	The exemption provided in Civil Code § 1798.145(e) for personal information collected, processed, sold, or disclosed subject to the federal Gramm-Leach-Bliley Act (GLBA) or the California Financial Information Privacy Act (CFIPA) is unclear and can be interpreted several ways. This is because the CCPA/CPRA uses terms that are inconsistent with the GLBA and CFIPA. The Agency should provide clarification in	No change has been made in response to this comment. The proposed clarification is unnecessary because the CCPA is reasonably clear. The CCPA states that it does not apply (except with respect to personal information security breaches) to personal information collected, processed, sold, or disclosed subject to the GLBA and implementing regulations, or to the CFIPA. *See* Civ. Code § 1798.145(e). The CCPA also defines "personal information." Civ. Code § 1798.140(v). The regulations provide general guidance for CCPA compliance and are meant to apply to a wide range of factual situations and across industries. The Agency has determined that	W80-14	0878

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	the regulations and guidance to financial institutions to which the exemption applies.	no further clarification is needed at this time. To the extent that the commenter seeks additional clarity, it likely requires a fact-specific determination. The commenter should consult with an attorney who is aware of all pertinent facts and relevant compliance concerns.		
774.	Comment encourages the Agency to harmonize with existing international and federal statutes that have already been enacted for specific segments of the population or industries, and new state laws in Colorado, Connecticut, Utah and Virginia. Highly regulated industries such as the financial industry and health care industry are subject to a broad suite of other state, federal and international privacy laws. A coordinated approach will benefit consumers and businesses trying in good faith to comply with all the different laws. The regulations force companies to adopt CA-specific user choices, contracts, and notices.	No change has been made in response to this comment. The Agency has worked to harmonize the regulations with other privacy laws, but only to the extent that doing so is consistent with, and furthers the intent and purposes of, the CCPA. For example, many of the prescriptive requirements for service provider contracts within the regulations are explicitly required by the CCPA. The ISOR and FSOR set forth in greater detail the purpose and necessity of each of the regulations.	W32-1 W37-2 W52-4 W52-8 W57-2 W68-1 W75-3 W86-1	0346-0350 0387 0527 0528 0592-0595 0743 0814-0815 0936
775.	Comment claims that the regulations conflict with existing state regulations, such as the "Write it Right" regulations for the automotive repair industry that requires the collection of data to comply with those regulations. Comment recommends that before the Agency establishes any more rules, it should establish a place where data/tech companies who wish to operate in California go through a rigorous review process to make sure they meet all state	No change has been made in response to this comment. Civil Code § 1798.145(a)(1) makes clear that obligations imposed on businesses by CCPA shall not restrict a business's ability to comply with federal, state, or local laws. Whether a business that is subject to a state law requiring collection of personal information falls under this exemption under CCPA appears to raise specific legal questions that would require a fact-specific determination. Lastly, comment's proposed alternative to delay rulemaking until businesses go through a review to make sure they meet all state standards and requirements is not more effective in furthering the purpose and intent of CCPA. The Agency cannot review businesses'	W95-2	1053

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	standards and requirements so companies purchasing or using their services have an assurance they are following all state agency rules and regulations.	compliance with other state laws. In addition, the proposed alternative would require time and resources to implement that would delay businesses' compliance with CCPA, as the proposed regulations operationalize and assist in the immediate implementation of CCPA's statutory requirements.		
– **Preemption**				
776.	Comment suggests federal preemption may render state privacy work moot. Comment advocates for federal preemption to create a uniform federal standard but believes there is a role for state legislation and room for state enforcement.	No change has been made in response to this comment. The comment is not directed at the proposed regulations, or the rulemaking procedures followed.	W3-1	0011-0015
– **Private Right of Action**				
777.	Comment suggests the statute's private right of action will encourage opportunists to assert technical statutory violations for profit. Precedent suggests these actions will consume scarce resources and time of overburdened businesses, as well as courts and the Agency, while doing relatively little to advance a legislative intent focused on interests of consumers and the California economy. Additionally, requiring "magic words" (e.g., "Do Not Sell My Personal Information" and "Do Not Sell or Share My Personal Information") seems to dictate specific links with a privacy policy and will encourage litigation over non-substantive, technical violations by the regulated community. Lastly, a cottage industry will develop to extract settlements and impose costs on the regulated community,	No change has been made in response to this comment. A consumer's private right of action is limited to data breaches and a business's violation of the duty to implement and maintain reasonable security procedures and practices. *See* Civ. Code § 1798.150. The Agency cannot implement regulations that alter or amend a statute or enlarge or impair its scope.	W6-3 O15-1	0029-0030 D1 49:20-50:24

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	particularly small and medium-sized businesses.			
– **Reasonable Security**				
778.	Comment suggests current law falls short of defining what constitutes a reasonable security procedure and practice. To ensure businesses adopt security procedures and practices that are the most applicable to their organization and unique needs, the definition should require businesses adhere to the requirements of an industry recognized security framework.	No change has been made in response to this comment. The regulations provide general guidance for CCPA compliance and are meant to be robust and applicable to many factual situations and across industries. There is a wide range of factual situations and different industries, and whether a business uses reasonable security measures when transmitting personal information to the consumer is a fact-specific determination.	W4-1	0017-0020
779.	Comment suggests voice authentication should be considered an element of the required reasonable security procedures and practices.	No change has been made in response to this comment. The Agency has not addressed this issue at this time. The Agency has prioritized the drafting of regulations that operationalize and assist in the immediate implementation of the law. Further analysis is required to determine whether a regulation on this issue is necessary.	W26-3	0252
– **Support**				
780.	Comments provide general support for the proposed draft regulations or the issuance of the proposed rulemaking so quickly. Specifically, the comments support the Agency's robust rulemaking process and efforts to build a stronger foundation for protecting consumer's personal data. One comment commends the Agency for expanding the regulatory provisions that protect consumer privacy, while another comment recognizes how important data privacy is for victims of crimes.	The Agency appreciates these comments in support. No change has been made in response to this comment.	W8-1 W23-1 W38-1 W58-1 W60-27 W85-1 W89-2	0034 0221-0222 0400 0927-0928 0633 0927-0928 0951

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
– **Trade Secret**				
781.	Comment contends that the final regulations must include guidance on an exception addressing the recognition of a business's intellectual property rights under federal law. Comment asserts that the test results or scores are likely to be considered by the testing organization to be at least in part covered intellectual property, which will result in denial or partial denial of requests that would entail disclosure of the testing organization's intellectual property.	No change has been made in response to this comment. Civil Code § 1798.185(a)(3) provides the Agency with authority to "[e]stablish[] any exceptions necessary to comply with state or federal law, including, but not limited to, those relating to trade secrets and intellectual property rights[.]" However, the comment does not show how a consumer's test results or scores could be subject to the business's copyright, trademark, or patent rights, or how a business could possibly patent, trademark or copyright a consumer's personal information. Even if a consumer's personal information were subject to such rights held by the business, the comment does not explain how disclosure of the consumer's personal information to the consumer could conflict with or negatively affect the business's rights under federal or state copyright, patent or trademark law. The comment further fails to demonstrate that personal information collected is a trade secret pursuant to Civil Code § 3426.1, which requires, among other things, a showing that the information asserted to be a "trade secret" "[d]erives independent economic value ... from not being generally known to the public" and "[i]s the subject of efforts that are reasonable under the circumstances to maintain its secrecy..." The comment does not make either showing with respect to the consumer's test results or scores, nor does the comment provide evidence that disclosure of the test results or scores would result in competitive harm. Thus, any potential competitive harm is speculative, and in any case, the potential for harm is further mitigated because all similarly situated competitors in California will be bound by the same disclosure requirements.	W20-5	0205, 0209
– **Unconstitutional**				
782.	Comments request the Agency to specify in the regulations that "selling" and "sharing" do not include conduct by those engaged in	No change has been made in response to these comments. Civil Code § 1798.145*(l)* already provides that the rights afforded to consumers and the obligations imposed on any business under the	W37-3 W37-4	0387 0387-0388

Response #	Summary of Comment	Response	Comment #s	Bates Label / Transcript CPPA_RM1_45DAY
	journalism or newsgathering, because freedom of the press is protected by federal and state law and should not be hindered by the inability of news and media outlets to engage in newsgathering activities or share information with those assisting in the creation and distribution of vital information to the people.	CCPA do not apply to the extent that they infringe on the noncommercial activities of a person or entity described in Article I, Section 2(b) of the California Constitution. No further specifications are necessary at this time.		