

CCPA – What It Is and What to Do



Fox Rothschild LLP
ATTORNEYS AT LAW



What is it?

- First comprehensive privacy law in the US
- Effective since January 1, 2020
- Applies if you process personal information of California residents
- Applies to companies in or out of California if "doing business in California" → very broad definition
- Applies if you control/controlled a CCPA "business" or are a service provider for one



Enforcement

- Enforcement started July 1, 2020
- Private right of action for data breach
- AG enforcement for all other violations. Consumer complaints filed since January 2020
- \$2,500 statutory fine per violation; \$7,500 per intentional violation
- Direct enforcement against service providers



Key Principles

- Broad definition of "personal information" (includes inferences and online identifiers)
- Expanded transparency (privacy notices)
- Consumer rights to access, deletion, non-discrimination and opt-out
- Supply chain: Service Providers vs. Third parties
- Reasonable protections of personal information /data breach remedy



What to do now?

- Check methods for consumer rights (toll free number? interactive web form?)
- Create + document consumer identity verification process
- Implement "Do not sell my personal information" button and process
- Revise online privacy notice
- Check + revise notices at collection / financial incentive
- Check + revise data breach / incident response process
- Check + revise data processing addenda / data sharing agreements



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