



sixfifty

Operationalizing your California Consumer Privacy Program



This presentation/publication contains legal information. It is not legal advice. Please consult an attorney for legal advice.

Agenda

- Reporting in 2021 under the CCPA
- Authorized Agents
- Mark's Story Hour
- Q&A



Are you a Data Broker?

Any business established in or outside of California that...

Meets a CCPA threshold

- \$25 million in worldwide revenues the preceding year (as of 1 January)
- 50,000 CA consumers (100,000 under CPRA)
- At least 50% revenue from selling CA consumer PI

Lacks a direct relationship

- Not defined by the CCPA or the data broker law
- Vermont Examples: customers, clients, subscribers, users, registered users, employees, contractors, agents, investors, & donors

Knowingly collects & sells PI to 3d parties

- Personal Information, Selling, Consumer, and Third Party are all defined by the CCPA

Exemptions

- Consumer reporting agency to the extent covered by FCRA
- Financial institution to the extent covered by GLBA
- Entity covered by the Insurance Information & Privacy Protection Act to the extent covered



Data Brokers

- Must [register](#) with the Attorney General
 - \$100/day for every day a data broker fails to register
- Pay a registration fee of \$400
- Provide:
 - Name and Primary physical, email and internet website addresses
 - Add'l info or explanation the broker chooses to provide concerning its data collection practices

Future Reporting Requirements

- Perform an annual cybersecurity audit
- Submit a risk assessment to the California Privacy Protection Agency on a regular basis
 - Does processing involve sensitive PI
 - Identify and weigh the benefits of the processing to the business, the consumer, stakeholders and the public against the risks to the consumer



Authorized Agents

Regulation Section 999.326

Which Requests?

- Requests to Know/Access
- Requests to Delete
- Requests to Opt-Out (user enabled privacy controls are not considered AA requests)

Who

- A natural person or business registered w/ the Secretary of State
- With signed permission
- With reasonable security procedures and practices
- Cannot use the PI for any purpose other than fulfilling the consumer's requests, verification, or fraud prevention

Proof

- Written permission signed by the consumer
- Require the AA to submit the proof
- Company may still require the consumer to directly confirm the permission w/ the company or verify their own identity
- (No add'l proof needed if AA has PoA subject to Probate Code sections 4121-4130)

Generic Request

I got an email generically asking for an individual's personal data. It did not come through one of our designated CCPA request intake options and it is from a third party service, not the individual.

Household

I received a Right to Know Request from what appears to be a member of a household asking for the information we have about another household member.

No Verification

I received a proper deletion request from someone who indicated that they are an authorized agent. However, they have not submitted any documentation.

Reminder: Employee Exemption

Until January, 2023, Employees have the right to notice of:

- A list of the categories of personal information that will be collected
- The business or commercial purpose for which the information is being collected
- Information on how to opt out of the sale of personal information (if information is being sold); and
- Information on how to find the company's complete privacy notice.

After January 1, 2023, the CPRA will expand the information required to be included in a notice of collection to include:

- Whether that information is "sold or shared"
- The "length of time" that the business intends to retain each category of personal information

CCPA Opt-Out Icon

Regulation Section 999.306(f)

What is it?

- To promote consumer awareness, the AG has developed a recognizable and uniform opt-out icon that businesses can use on their site and in their establishments.

Who needs it?

- Businesses that engage in selling personal information must provide consumers with the ability to opt-out of this activity.

What it does NOT do

- The use of the icon does not replace the requirement to post a “Do Not Sell My Personal Information” link.



Read more, here:

<https://oag.ca.gov/privacy/ccpa/icons-download>

CCPA Requests

The California Consumer Privacy Act (CCPA) gives California residents the right to make the following requests:

Right to Know My Personal Information

We will respond to your request with a report of the personal information we have collected from you. Instructions to access the report will be sent to the email address you provide. We will do our best to fulfill your request within 45 days and will notify you via email if a time extension is needed.

[Read more](#)

Right to Know My Categories

We will respond to your request with a report of the personal information we have collected from you. Instructions to access the report will be sent to the email address you provide. We will do our best to fulfill your request within 45 days and will notify you via email if a time extension is needed.

Delete My Personal Information

We will do our best to complete the deletion process within 45 days and will notify you via email if a time extension is needed. Please be aware that some of the information we collect may not be deleted because it is exempt from the control of the CCPA.

Do Not Sell My Personal Information

We will add you to our Do Not Sell List. We do not sell the personal information of any consumers appearing on this list.

Receive Request

- Provide a means for consumers to make a request
- See request types on the table to the left

Process Request

- Track the requests
- Respond within 10 days
- Fulfill within 45 days (15 for DNS)
- Document fulfillment of request

Messaging to Consumer

- Keep messaging clear and uniform.
- Fulfilled? Partially? Not fulfilled? Why?
- Templates can help

Receiving Requests

Method Depends on Type

- **Request to Know:** (1) Only an Email Address or (2) Toll Free Number + 2d Method
- **Request to Delete:** Any 2 Methods
- **Do Not Sell:** Interactive Form + 2d Method
- **Best combination** to meet all requirements:
 - Interactive Form + Toll Free Number

Responding to CCPA Requests

The screenshot displays the Sixfifty CRM interface. On the left is a navigation sidebar with options like Dashboard, All, Unverified, outstanding, Due Soon, Resolved, Do Not Sell List, Forms, and Settings. The main area shows a list of requests, with one selected: Jane Goodall, OUTSTANDING, dated Apr 30, 2021. A dropdown menu for 'Send Response' is open, showing options like 'CCPA REQUEST -- NO INFORMATION', 'CCPA REQUEST -- TIME EXTENSION', and 'CCPA REQUEST -- UNABLE TO VERIFY'. Below the list, the 'Request Details' for Jane Goodall are shown: Requestor Name: Jane Goodall, Requestor Email: mark@sixfifty.com, Request Type: Right to Know My Personal Information, and Phone Number: 8018703444. On the right, a response template is shown for 'CCPA Deletion Request Partial Deletion'. The template includes a text area with the following content:

Response CC Recipients (for example: support@sixfifty.com, support@sixfifty.com)
(comma separated cc recipients)

B *I* U 16 ▾ [List Icons] [List Icons] [List Icons] [Link Icon] [Minus Icon] Fields ▾

We have completed the deletion of your personal information, with the exception of that information required to:

- [complete our ongoing transactions with you]
- [fulfill our obligations in our ongoing business relationship]
- [perform our contract with you]
- [detect security incidents]
- [debug and repair errors in the product we provided you]
- [ensure free speech rights]
- [comply with the California Electronic Communications Privacy Act (Chapter 3.6 (commencing with Section 1546) of Title 12 of Part 2 of the Penal Code)]
- [engage in public or peer-reviewed scientific, historical, or statistical research that adheres to all applicable ethics and privacy laws]

Responses

- Assure internal processes are in place and executed.
- What data sets will be / can be deleted?
- Create uniform templates based on your unique company needs
- Examples:

