



US Privacy Road Trip Session 2: Implementation

September 21, 2022

* Although we will be providing legal information during this webinar, we will not be providing legal advice.



Where Are We?

- Summary of 2023 privacy laws last week
 - Jan. 1: CA and VA
 - July 1: CO and CT
 - Dec. 31: UT
- New:
 - Rights
 - Disclosures
 - Contracts
 - Risk assessments

Key Documents— and their Audiences

- Website Notice – Public
- Internal Policies – Employees
- Contracts – Business partners
- Risk Assessments – Regulators

Where Are We Going?

- Today
 - Website Notice
 - Internal Data Handling Policies
- What to include in documents
- Ensuring documents reflect reality
- Next week
 - Contracts
 - Risk Assessments

Inclusive or Separate?

- Inclusive
 - Up-front cost
 - Updates (likely) marginal
 - Fewer (but longer) documents
- Separated by Jurisdiction
 - Only in 1 or 2 states
 - Updates are a bigger lift
 - Burdensome requirements minimized
 - More (but shorter) documents



[Wikimedia](#)

Notices

Or: The Most Visible Implementation Step



California Exemptions Sunset

- If used solely within context of their role, CCPA previously exempted PI collected about a person in the course of that person acting as a:
 - Job applicant
 - Employee
 - Owner
 - Director
 - Officer
 - Contractor
- Also exempted PI collected as emergency contact info or to administer benefits for someone in the above groups



California Privacy Notices

- B2B + Employment Context
 - B2B is likely to be most easily folded into your general notice (unless you have separate websites and online portals just for B2B)
 - HR is likely to need its own notice
 - Notice requirements are the SAME as for all other consumer data
 - The data itself and the methods of collection, purposes of processing, etc. are unique
- Links in your privacy notice to your request portal
- Links in your footers (CA specific)
 - Privacy Notice
 - Do Not Sell My Personal Information
 - Do Not Share My Personal Information
 - Limit the Use of My Sensitive Personal Information

Privacy Notices

- Notice Options
 - Universal
 - Universal + California Personnel
 - State by State
- Placement
 - Website
 - In-person Locations
 - Phone, CCTV Notices, etc., with reference to URL
 - Employment Portals/Job Applications (CA only)
 - Pop Up, Layered Notices



Notice Must Include

- Categories collected or processed
 - Sensitive*
- Purposes of processing
- Categories of data sold/shared with third parties (if any)
- Categories of third parties with whom it is shared/sold
- Whether processed for targeted advertising or profiling
- Consumer Rights
- How to Exercise Rights
- Financial Incentives
- Retention Periods (CA)



Internal Data Handling Policies

Or: The Least Visible Implementation Step

An illustration on a light blue background featuring a magnifying glass with a yellow handle and a blue lens, positioned over several grey documents with horizontal lines. To the right of the magnifying glass are a red pencil and a yellow highlighter.

Internal Data Handling Policy

- Separate policies for controllers and processors
- References to other key policies:
 - Data retention
 - Information security
 - Incident response
- Sensitive PI
- New rights
 - Correction
 - Opt out of targeted advertising
 - Limit use of Sensitive PI

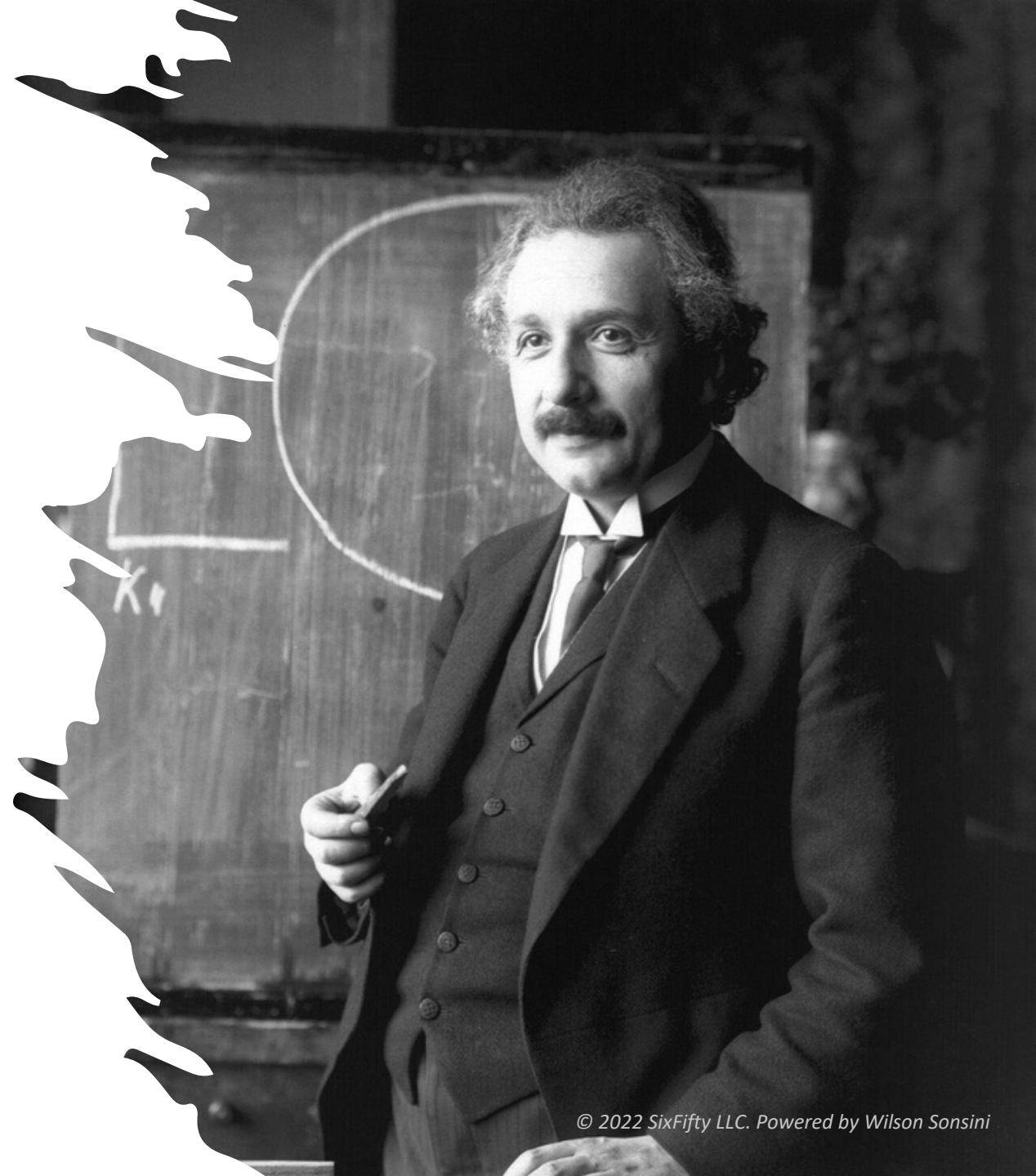
Controller vs. Processor

- Who decides re the personal data?
- Controller determines “purposes and means”
 - What personal data is collected
 - The purposes for which the personal data is used
 - Who to share personal data with
- Processor processes data on behalf of Controller
 - Uses personal data only as instructed
- Subprocessors
- Joint controllers



Educating Employees

- Audience: employees etc. within org
- Purpose: inform and educate
- Employees need to know the basics
 - What is personal data?
 - How do we use personal data?
 - What to do with rights requests
 - How long to retain?
- How to escalate/who to ask
- Training
 - Required in CA, good idea everywhere



All US Privacy Engines

Key Documents:

- Website notice
- Data Handling Policy (x2)

Inclusive or Separate

- One document to rule them all
- Separate documents for each state

States Covered:

- CA, CO, and VA
- CT and UT coming soon



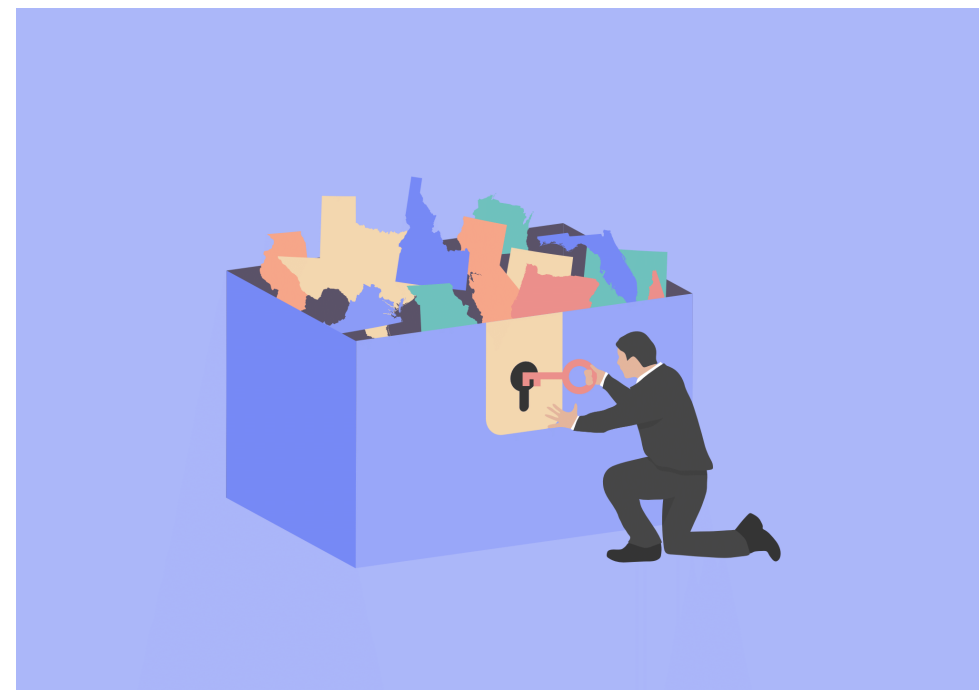
State-specific Privacy Engines

States Covered:

- CA, CO, and VA
- CT and UT coming soon

Key Documents:

- Website notice
- Data Handling Policy (x2)
- Data Processing Addendum (x2)
- Risk Assessment (+Quiz)



Nationwide Privacy Made Simple

With All US Privacy by SixFifty, you get coast-to-coast privacy coverage with a single set of customized compliance documents.

GET A DEMO



Do you know when current laws go into effect?

