

# CCPA Becomes CPRA in 2023: Steps to Take Now



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## Norbert Kugele

- Norbert specializes in employee benefits and privacy and information security law
- Helps organizations understand and comply with state, federal and international privacy and information security laws, including HIPAA, FTC, consumer privacy requirements and breach notification laws
- Counsels organizations on responding to security breach incidents, develops privacy policies and counsels on the EU's General Data Protection Regulations and contracting for cross-border data transfers

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## Kelly Hollingsworth

- Kelly focuses on general business and information technology industries
- Expert in cloud-based solutions and data privacy issues
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- Alex focuses on general business and information technology industries
- Assists clients with data privacy issues and compliance with state and federal privacy and information security laws

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## Lexi Woods

- Lexi focuses on data privacy and real estate transactions
- Assists clients with data privacy issues and compliance with privacy and information security laws

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## Today's Agenda

- What is the CPRA?
- Preliminary Steps Towards Compliance
- Required Notices
- Consumer Rights & Interfaces
- Service Providers
- Additional Requirements & Changes



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## What is the CPRA?

- Nov. 2020 ballot initiative passed by voters
- Amends CCPA and adds additional privacy protections
- Comes into effect 1/1/2023, but look-back to 1/1/2022



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# Preliminary Steps Towards Compliance



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## Preliminary Steps Towards Compliance

1. Reassess if you are a “business”
  - CPRA updates the thresholds related to what constitutes a “business”
  - Joint Ventures & Partnerships
  - Voluntary Compliance



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## Preliminary Steps Towards Compliance

### 2. Determine whether any exceptions apply

- HR & B2B exemptions extended
- New exceptions to what constitutes “personal information”



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## Preliminary Steps Towards Compliance

### 3. Update data mapping

- Do you “share” personal information?
- “Sensitive Personal Information”
- Consumer Consent



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## Required Notices

- Notice at Collection:
  - Sensitive Personal Information
  - Whether PI or SPI is sold or shared
  - Retention Period
- Updated “Do Not” Links
  - Do Not Sell or Share My Personal Information
  - Limit the Use of My Sensitive Personal Information
  - Opt out signals instead?



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## Consumer Rights

- Right to Correct Information
- Right to Limit Use of Sensitive Personal Information
- Data Portability



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## Service Providers

- CPRA significantly changed this area of the law
- New defined terms
- Contractual Requirements
  - Third Parties
  - Service Providers
  - Contractors



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## Additional Requirements & Changes

- New enforcement agency
- Breaches & private rights of action
- Data minimization & purpose limitation
- Reasonable security procedures



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**Questions?**



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# Thank you!

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