

CCPA Becomes CPRA in 2023: Steps to Take Now



Norbert Kugele | Kelly Hollingsworth | Alex Chitwood | Lexi Woods
February 23, 2021

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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
- Helps clients with cybersecurity and data privacy concerns

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Alex Chitwood

- 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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