

# CPRA

## Summary of Key Changes from CCPA

### Revised Scope

1. Definition of "Business":
  - a. Doubles threshold for buying, selling or sharing of personal information (now 100,000 records) and removes reference to devices.
  - b. Includes joint ventures, partnerships and commonly-branded entities that share information.
2. B2B and employee data included
3. Additional restrictions for "Sensitive Personal Information":
  - a. Social security number, driver's license number, passport number, financial account and payment card information, health and biometric information, precise geolocation, racial and ethnic origin, religious or philosophical beliefs, union membership, private personal communications (mail, email and text messages), and sex life or sexual orientation.
4. Restrictions on "sharing" personal information:
  - a. Sharing with a third party for cross-context behavioral advertising for the benefit of a business, whether or not money is exchanged.

### Expanded Enforcement

1. Creation of dedicated Data Privacy Protection Agency.
2. Removal of 30-day cure period before being fined for violations.
3. Private rights of action extend to breach of email address and password/security question and answer that would allow access to consumer's account.
4. Automatic \$7,500 fine for a violation involving personal information of minors.

### Additional Consumer Rights

1. Right to correct
2. Right to limit use and disclosure of sensitive personal information



## New Business Obligations

1. Update disclosures:
  - a. Include details about processing of sensitive personal information
  - b. Describe retention periods for each category of personal information collected
  - c. Add new correction right
  - d. Disclose whether information is "shared"
  - e. Publicly commit not to re-identify de-identified personal information
2. Expand opt-out links:
  - a. "Do no sell or share my personal information."
  - b. "Limit use of my sensitive personal information."
3. Implement reasonable data security procedures and practices:
  - a. Includes an annual audit and submission of privacy risk assessment for businesses whose processing presents a significant risk to consumer privacy or security.
4. Engage in data minimization:
  - a. Collection, retention and use should be limited to what is reasonably necessary and proportionate to intended purposes.
5. Update contracts with service providers, contractors and third parties.

For more information on the CPRA and the Summary of Key Changes from the CCPA, please contact one of Warner's presenters below.



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