

**California Consumer Privacy Law 6/28/18**  
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	<b>AB 375</b>  (Passed by California lawmakers and signed into law by Gov. Jerry Brown as the California Consumer Privacy Act of 2018 on June 28, 2018)
<b>Who Regulated</b>	<p>“Business” = for profit entity</p> <ul style="list-style-type: none"> <li>- Gross revenue in excess of \$25 million; or</li> <li>- Annually buys, receives for the business’ commercial purposes, sells, or shares for commercial purposes the personal information of 50,000 or more consumers, households, or devices; or</li> <li>- Derives 50 percent or more of its annual revenues from selling consumers’ personal information</li> </ul>
<b>What Data Subjects</b>	“Consumers” = natural persons who are CA residents under State tax regulations
<b>What Data</b>	“Personal Info” broadly defined to include identification of or association with a <b>consumer or household</b> , including demographics, usage, transactions and inquiries, preferences, predictions, inferences drawn to create a profile about a consumer, education information, but excluding info from public government records, and it would appear also de-identified data and aggregate consumer information (but unclear as currently worded).
<b>What Data Subject Notice</b>	<ul style="list-style-type: none"> <li>• Privacy policy, consumer notices, home page link</li> <li>• Home page, privacy policy and CA notices must have a “<b>Do not Sell My Personal Info</b>” link to the opt-out mechanism</li> <li>• Categories of PI collected</li> <li>• Categories of PI sold or disclosed for a business purpose</li> <li>• Right to opt-out of sale (which requires consideration) of PI</li> <li>• Categories of sources from which PI is collected</li> <li>• Business or commercial purpose for collecting or selling PI</li> <li>• Categories of 3<sup>rd</sup> parties with whom business shares PI</li> </ul>

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	<ul style="list-style-type: none"> <li>• Specific pieces of PI business collected</li> <li>• Right to request deletion of PI</li> <li>• For youth under 16, opt-in consent is required for sale of PI</li> <li>• Business must, at or before the point of collection, inform consumers as to the categories of PI collected and intended use of the PI</li> </ul>
<p><b>What Data Subject Choice</b></p>	<p><b><u>Information:</u></b></p> <ul style="list-style-type: none"> <li>• Right to request info on categories of PI collected</li> <li>• Right to request info on categories of PI sold or disclosed, including disclosures for legitimate business purposes</li> <li>• Right to request info on specific pieces of PI collected</li> <li>• Right to request info on business or commercial purpose for selling PI</li> <li>• Right to request info on the categories of sources from which PI is collected</li> </ul> <p><b><u>Deletion:</u></b></p> <ul style="list-style-type: none"> <li>• Right to request a business delete PI collected (subject to exceptions)</li> </ul> <p><b><u>Choice:</u></b></p> <ul style="list-style-type: none"> <li>• Right to opt-out of sale (which requires consideration) of PI</li> <li>• For youth under 16, opt-in consent is required for sale of PI</li> <li>• Can't seek opt-in for 12 months from opt-out</li> <li>• Opt-out perpetual until opt-in</li> </ul> <p><b><u>Business' Response:</u></b></p> <ul style="list-style-type: none"> <li>• Responses to info requests must be free and within 45 days and must cover the 12 month period preceding the request</li> <li>• Consumer right to equal service and price, except if difference is reasonably related to the value provided to the consumer by the consumer's data</li> </ul>
<p><b>What Security</b></p>	<p>Deems breach under CA Data Breach law also a violation of AB 375 and subject to its additional remedies</p>

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	remedies
<b>What Remedies</b>	<p>Private action by consumers in connection with specified security violations of PI (as defined in Section 1798.81.5(d)(1)(A)), due to inadequate security to protect PI, for any of the following: (a) damages not less than \$100 and not greater than \$750 per consumer per incident or actual damages, whichever is greater, (b) injunctive or declaratory relief, and (c) any other relief the court deems proper, <b>IF</b>:</p> <ul style="list-style-type: none"><li>- (1) Before initiating any action on an individual or class wide basis, consumer provides business 30 days' written notice identifying the specific provisions that are violated and a 30 day opportunity to cure</li><li>- (2) The consumer notifies the Attorney General within 30 days that the action has been filed, <u>and</u></li><li>- (3) The AG, upon receiving such notice shall, within 30 days, do one of the following:<ul style="list-style-type: none"><li>• Notify consumer bringing the action of the AG's intent to prosecute an action. If the AG does not prosecute within 6 months, the consumer may proceed with the action.</li><li>• Refrain from acting within the 30 days, allowing the consumer bringing the action to proceed.</li><li>• Notify the consumer bringing the action that the consumer shall not proceed with the action.</li></ul></li></ul> <p>In the June 25 amendment, AB 375 was amended to clarify that nothing in the act could be the basis for a private right of action under any other law, apparently intending to preclude having a breach of the act serve as a basis for a claim under California Business and Professions Code 17200 that permits a private right of action for claims based on unlawful acts.</p>
<b>Basis to Amend</b>	No limitation on legislature's ability to amend.
<b>When Effective</b>	Effective date will be January 1, 2020.