

Data Privacy Dish

Updates on the Evolving Data Protection Landscape

Proposed CCPA Regulations Progress to Final Review



By [Darren Abernethy](#) & [Gretchen A. Ramos](#) on June 2, 2020

Following much anticipation, the Office of the California Attorney General (OAG) moved one step closer to the California Consumer Privacy Act (CCPA)'s wide-ranging implementing regulations becoming enforceable by law by filing the final CCPA Regulations with the California Office of Administrative Law (OAL) on June 1.

The CCPA grants the OAG the authority to begin enforcing the law on July 1, 2020. Whereas the OAG can enforce the CCPA on that date, businesses have been awaiting confirmation of whether the CCPA Regulations will be finalized and enforceable starting July 1 as well.

The effective date of the Regulations stems from the date the OAL transmits the final rules to the Secretary of State for adoption. Thus, while the OAG requested an expedited review of the OAL, even if the OAL completes its review in less than 30 days, the effective date of the Regulations will be Oct. 1, 2020, **unless** OAL designates a different effective date.

On June 1, 2020, the OAG **submitted** to the OAL its rulemaking package that consisted of the following, among other items:

- **Final Text of Proposed Regulations, which do not appear to vary in substance from the Second Set of Proposed Modified Regulations** released on March 11 (**short summary here**);
- a 59-page **Final Statement of Reasons**;
- a copy of the **W3C's Web Content Accessibility Guidelines, version 2.1**;
- an **Updated Informative Digest**, describing legislative updates since the original filing of the Notice of Proposed Rulemaking Action on Oct. 11, 2019, including changes to the proposed regulations since the Notice of Proposed Rulemaking Action;
- a **Written Justification for Earlier Effective Date and Request for Expedited Review**; and
- much of the record of materials received and released during the rulemaking process, including public comments and responses, public hearing transcripts, white papers, and more.

The OAG emphasized, per the Request for Expedited Review: “While the Attorney General is mindful of the challenges imposed by COVID-19 and Governor Newsom’s Executive Order N-40-20 granting additional time to finalize proposed regulations, the Attorney General respectfully requests that the Office of Administrative Law complete its review within 30 business days, given the statutory mandate for regulations.”

With the request, the OAL has 30 working days, plus an additional 60 calendar days as established by the Executive Order referenced, to review the package for procedural compliance with the California Administrative Procedure Act. OAL’s review is limited to regulatory legal requirements. OAL has no power to change the proposed regulation and OAL does not accept public comments on or correspondence about proposed regulations. Once the OAL approves the package, the final regulations text will be filed with the Secretary of State.

Without an expedited review, and alteration of the normal effective date schedule, the regulations will not take effect until Oct. 1.

California Attorney General Xavier Becerra also noted in a press release, “Our regulations provide businesses and individuals with guidance on how to protect that choice and boost transparency, while continuing to unleash innovation. Businesses have had since January 1 to comply with the law, and we are committed to enforcing it starting July 1.”

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