CCPA Workshop

Privacy & Security Forum

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What is CCPA?

Overview

Legislative history

• CCPA, amendments, and ballot initiative

Key CPRA changes

• Scope of application, "sharing", sensitive data, expanded rights, opt outs

Enforcement and rulemaking

• CPPA, final and draft regulations, key issues, enforcement



How CCPA compares to other privacy laws

Scope of application

- Application to employees and B2B data
- Exemptions

Legal basis vs. data sharing and use limitations

- Opt out of sale/sharing
- Limit use of sensitive data

Individual rights

- Access, correction, deletion, automated decision-making
 Accountability
 - Privacy governance processes





Key CCPA issues

Opt out of selling and sharing

What is "selling" and "sharing"?

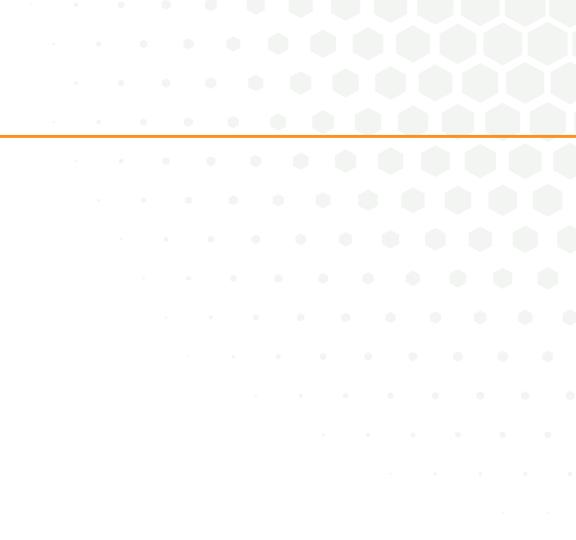
- What is cross-context behavioral advertising?
- Who is a service provider?
- What is a directed disclosure?

How to manage opt outs?

- Do Not Sell/Share links and forms
- Global Privacy Control
- Vendor agreements

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- Industry standards (e.g., IAB MSPA)
- Ad tech responses (e.g., Limited Data Use)





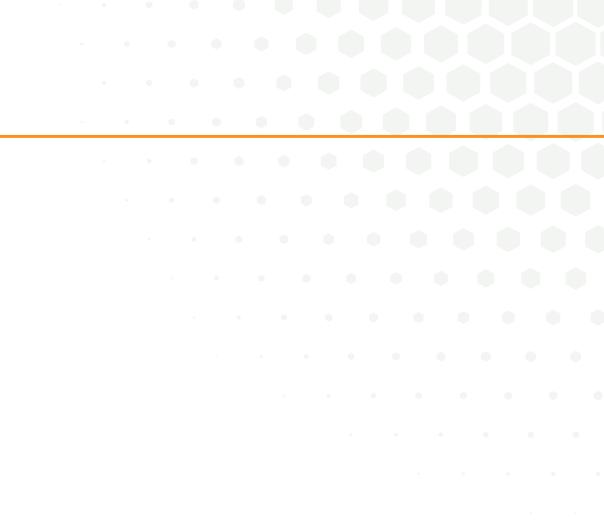
Limit use of sensitive data

What is sensitive personal information?

- General categories
- Precise geolocation
- "Inferring characteristics about a consumer"

Limitations on use

- Permitted purposes
- Managing limited use requests
- Industry standards





Privacy policies and notice at collection

Privacy policies

- Key content
- Presentation

Notice at collection

- How to surface the notice
- Key exemptions

Secondary uses of personal information

Notice and consent requirements





Service providers, contractors and third parties

Who is who and when?

- Is there a distinction between service providers and contractors?
- When is a vendor a third party?

Contracting requirements

- Service provider/contractor agreements
- Third party agreements

Tensions with other frameworks

• Service provider vs. processor



Fulfilling consumer rights

Receiving requests

• Verification, authorized agents, requests forms, and communication channels

Managing requests

• Scope of rights, key exceptions, flow down to service providers, response considerations

Transparency reporting

• Developing reporting metrics

Anti-discrimination requirements

• Consequences of requests and financial incentives



Intersection with other frameworks and key exemptions

Overlapping frameworks

• E.g., COPPA, FERPA, etc.

Data-based exemptions

- E.g., PHI, NPI, etc.
- Publicly available personal information
- Deidentified and aggregate information

Purpose-based exemptions

- Clinical trials
- Compliance with legal requirements
- Government cooperation





Case study

Contracting for ad tech services

Who is a service provider?

What is cross-context behavioral advertising?

How to manage choices and opt outs?

How does CCPA relate to industry frameworks and technical protocols?

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