

# CCPA Workshop

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## Privacy & Security Forum

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# What is CCPA?

# Overview

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## 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

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## 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

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

# Limit use of sensitive data

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## 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

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## 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

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## 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

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## 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

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## 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

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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?

# Q+A