

SENATE JUDICIARY COMMITTEE
Senator Hannah-Beth Jackson, Chair
2019-2020 Regular Session

SB 753 (Stern)
Version: April 4, 2019
Hearing Date: April 23, 2019
Fiscal: Yes
Urgency: No
CK

SUBJECT

California Consumer Privacy Act: definition of sale: advertisement service exception

DIGEST

This bill amends the definition of “sell,” “selling,” “sale,” or “sold” in the California Consumer Privacy Act to exclude certain advertising practices.

EXECUTIVE SUMMARY

The California Consumer Privacy Act (CCPA) provides consumers a number of rights with regard to businesses’ use of their personal information. Businesses must provide certain disclosures when selling consumers’ personal information and provide consumers access to that and other related information. Additionally, the CCPA allows consumers who are 16 years of age or older to opt out of the sale of their personal information with younger consumers needing to opt in before a business can sell their information.

The CCPA lays out a definition of “sell” and its derivatives that includes certain exceptions. This bill creates another exception from the definition of sale for certain advertising in which a business shares, discloses, or otherwise communicates to another business or third party certain consumer information to the extent necessary to serve or audit a specific advertisement to the consumer. Consumers therefore lose their ability to opt out of such sales of their information.

This bill is author-sponsored. Among the supporters are various chambers of commerce and business associations. It is opposed by a coalition of privacy and consumer groups. In addition, Californians for Consumer Privacy, the proponent of the ballot initiative leading to the enactment of the CCPA, is in opposition.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the California Consumer Privacy Act of 2018 (CCPA), which grants consumers certain rights with regard to their personal information, including enhanced notice, access, and disclosure; the right to deletion; the right to restrict the sale of information; and protection from discrimination for exercising these rights. It places attendant obligations on businesses to respect those rights. (Civ. Code § 1798.100 et seq.)
- 2) Provides consumers the right to request that a business that sells the consumer's personal information, or that discloses it for a business purpose, disclose to the consumer the following:
 - a) the categories of personal information that the business collected about the consumer;
 - b) the categories of personal information that the business sold about the consumer and the categories of third parties to whom the personal information was sold, by category or categories of personal information for each third party to whom the personal information was sold; and
 - c) the categories of personal information that the business disclosed about the consumer for a business purpose. (Civ. Code § 1798.115.)
- 3) Provides a consumer the right, at any time, to direct a business that sells personal information about the consumer to third parties not to sell the consumer's personal information. This right may be referred to as the right to opt out. (Civ. Code § 1798.120.)
- 4) Requires a business that sells consumers' personal information to third parties to provide notice to consumers, as specified, that this information may be sold and that consumers have the "right to opt-out" of the sale of their personal information. (Civ. Code § 1798.120.)
- 5) Prohibits a business from selling the personal information of consumers if the business has actual knowledge that the consumer is less than 16 years of age, unless the consumer, in the case of consumers between 13 and 16 years of age, or the consumer's parent or guardian, in the case of consumers who are less than 13 years of age, has affirmatively authorized the sale of the consumer's personal information. A business that willfully disregards the consumer's age shall be deemed to have had actual knowledge of the consumer's age. This right may be referred to as the "right to opt-in." (Civ. Code § 1798.120.)

- 6) Defines “sell,” “selling,” “sale,” or “sold,” to mean selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a consumer’s personal information by the business to another business or a third party for monetary or other valuable consideration. (Civ. Code § 1798.140(t)(1).)
- 7) Provides that a business does not sell personal information when:
 - a) A consumer uses or directs the business to intentionally disclose personal information or uses the business to intentionally interact with a third party, provided the third party does not also sell the personal information, unless that disclosure would be consistent with the provisions of this title. An intentional interaction occurs when the consumer intends to interact with the third party, via one or more deliberate interactions. Hovering over, muting, pausing, or closing a given piece of content does not constitute a consumer’s intent to interact with a third party.
 - b) The business uses or shares an identifier for a consumer who has opted out of the sale of the consumer’s personal information for the purposes of alerting third parties that the consumer has opted out of the sale of the consumer’s personal information.
 - c) The business uses or shares with a service provider personal information of a consumer that is necessary to perform a business purpose if both of the following conditions are met:
 - i. The business has provided notice that information being used or shared in its terms and conditions consistent with Section 1798.135 of the Civil Code.
 - ii. The service provider does not further collect, sell, or use the personal information of the consumer except as necessary to perform the business purpose.
 - d) The business transfers to a third party the personal information of a consumer as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the business, provided that information is used or shared consistently with Sections 1798.110 and 1798.115 of the Civil Code. If a third party materially alters how it uses or shares the personal information of a consumer in a manner that is materially inconsistent with the promises made at the time of collection, it shall provide prior notice of the new or changed practice to the consumer. The notice shall be sufficiently prominent and robust to ensure that existing consumers can easily exercise their choices consistently with Section 1798.120. This subparagraph does not authorize a business to make material, retroactive privacy policy changes or make other changes in their privacy policy in a manner that would violate the Unfair and Deceptive Practices Act

(Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code). (Civ. Code § 1798.140(t)(2).)

- 8) Defines “business purpose” to mean the use of personal information for the business’s or a service provider’s operational purposes, or other notified purposes, provided that the use of personal information shall be reasonably necessary and proportionate to achieve the operational purpose for which the personal information was collected or processed or for another operational purpose that is compatible with the context in which the personal information was collected. It provides a list of business purposes, including performing services on behalf of the business or service provider of which providing advertising or marketing services is specified. (Civ. Code § 1798.140(d).)

This bill:

- 1) Provides that a business does not sell personal information if the following applies:
 - a) Pursuant to a written contract, the business shares, discloses, or otherwise communicates to another business or third party an online identifier, an Internet Protocol address, a cookie identifier, a device identifier, or any unique identifier only to the extent necessary to deliver, show, measure, or otherwise serve or audit a specific advertisement to the consumer.
 - b) The written contract shall prohibit the other business or third party from sharing, selling, or otherwise communicating the information except as necessary to deliver, show, measure, or otherwise serve or audit an advertisement from the business.
- 2) Corrects a cross-reference in the definition of “homepage” and makes other technical amendments.

COMMENTS

1. Protecting the fundamental right to privacy

Article I, Section 1 of the California Constitution provides: “All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.” Privacy is therefore not just a policy goal; it is a constitutional right of every Californian. However, it has been under increasing assault.

The phrase “and privacy” was added to the California Constitution as a result of Proposition 11 in 1972; it was known as the “Privacy Initiative.” The arguments in

favor of the amendment were written by Assemblymember Kenneth Cory and Senator George Moscone. The ballot pamphlet stated, in relevant part:

At present there are no effective restraints on the information activities of government and business. This amendment creates a legal and enforceable right of privacy for every Californian. The right of privacy . . . prevents government and business interests from collecting and stockpiling unnecessary information about us and from misusing information gathered for one purpose in order to serve other purposes or to embarrass us. . . . The proliferation of government and business records over which we have no control limits our ability to control our personal lives. . . . Even more dangerous is the loss of control over the accuracy of government and business records on individuals. . . . Even if the existence of this information is known, few government agencies or private businesses permit individuals to review their files and correct errors. . . . Each time we apply for a credit card or a life insurance policy, file a tax return, interview for a job[,] or get a drivers' license, a dossier is opened and an informational profile is sketched.¹

In 1977, the Legislature reaffirmed that the right of privacy is a “personal and fundamental right” and that “all individuals have a right of privacy in information pertaining to them.”² The Legislature further stated the following findings:

- “The right to privacy is being threatened by the indiscriminate collection, maintenance, and dissemination of personal information and the lack of effective laws and legal remedies.”
- “The increasing use of computers and other sophisticated information technology has greatly magnified the potential risk to individual privacy that can occur from the maintenance of personal information.”
- “In order to protect the privacy of individuals, it is necessary that the maintenance and dissemination of personal information be subject to strict limits.”

Although written almost 50 years ago, these concerns seem strikingly prescient. Today, the world’s most valuable resource is no longer oil, but data. Companies regularly and systematically collect, analyze, share, and sell the personal information of consumers. While this data collection provides consumers various benefits, public fears about the widespread, unregulated amassing of personal information have only grown since privacy was made a part of California’s Constitution.

In response to growing concerns about the privacy and safety of consumers’ data, proponents of the CCPA, a statewide ballot initiative, began collecting signatures in

¹ *Hill v. National Collegiate Athletic Assn.* (1994) 7 Cal.4th 1, 17, quoting the official ballot pamphlet for the Privacy Initiative.

² Civ. Code § 1798.1.

order to qualify it for the November 2018 election. The goal was to empower consumers to find out what information businesses were collecting on them and give them the choice to tell businesses to stop selling their personal information. In response to the pending initiative, which was subsequently withdrawn, AB 375 (Chau, Ch. 55, Stats. 2018) was introduced, quickly shepherded through the legislative process, and signed into law. The outcome was the California Consumer Privacy Act of 2018, Civil Code Section 1798.100 et seq.

The CCPA grants a set of rights to consumers with regard to their personal information, including enhanced notice and disclosure rights regarding information collection and use practices, access to the information collected, the right to delete certain information, the right to restrict the sale of information, and protection from discrimination for exercising these rights.

This bill seeks to eliminate certain applications of the CCPA to specified advertising practices.

2. Limiting consumers' rights to opt out of certain sales of their personal information

The CCPA defines "sell," "selling," "sale," or "sold," to mean: "selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a consumer's personal information by the business to another business or a third party for monetary or other valuable consideration." However, the law further provides that a business is not deemed to have sold personal information under various circumstances.

For instance, a business does not sell information, pursuant to the CCPA, when it is using or sharing certain information solely for the purpose of alerting other parties that the consumer has opted out of the sale of their personal information. Other exclusions from the definition include transfers of the information in connection with a merger, acquisition, bankruptcy, or other transfer of control of a business; or where a consumer uses or directs the business to intentionally disclose personal information or uses the business to intentionally interact with a third party, as specified.

Relevant here, the CCPA also provides that a business does not sell personal information when the "business uses or shares with a service provider personal information of a consumer that is necessary to perform a business purpose." In order for this exclusion to apply, two conditions need to be met. First, the business must provide notice in its terms and conditions that the information is being so used or shared. And the service provider cannot further collect, sell, or use the consumer's personal information except as necessary to perform the business purpose.

The CCPA provides the following definition for “business purpose”:

the use of personal information for the business’s or a service provider’s operational purposes, or other notified purposes, provided that the use of personal information shall be reasonably necessary and proportionate to achieve the operational purpose for which the personal information was collected or processed or for another operational purpose that is compatible with the context in which the personal information was collected.

(Civ. Code § 1798.140(d).) The CCPA further provides a listing of business purposes that includes performing services on behalf of the business or service provider, including providing *advertising or marketing services*. Therefore, the CCPA has been drafted so that certain, specified advertising by a business is not considered a sale of information.

The primary significance of whether certain uses of information are considered a “sale” under the CCPA is the ability for consumers to opt out of such uses of their personal information. The CCPA provides: “A consumer shall have the right, at any time, to direct a business that *sells* personal information about the consumer to third parties not to sell the consumer’s personal information. This right may be referred to as the right to opt-out.” (Civ. Code § 1798.120(a), italics added.) It further provides that children who are less than 16 years of age must provide opt-in consent before a business can sell their personal information.

The CCPA requires each business to provide a clear and conspicuous link on its Internet homepage, titled “Do Not Sell My Personal Information.” (Civ. Code § 1798.135.) The link will connect consumers to an internet web page where a consumer, or a person authorized by the consumer, will be able to opt out of the sale of the consumer’s personal information. Businesses would then be required to wait at least 12 months before contacting the consumer to reconsider their decision to opt out. Businesses would be prohibited from selling the consumer’s data until the consumer provides express authorization for such sale.

These provisions afford consumers the ability to restrict when their information is sold, which is one of the only restrictions a consumer can place on a business’s use of the consumer’s personal information pursuant to the CCPA.

In addition, the CCPA provides consumers the right to request a business that sells the consumer’s personal information to disclose the categories of personal information collected and sold and the categories of third parties to whom it was sold. (Civ. Code § 1798.115.)

This bill affects those rights by modifying the definition of sale. It provides that when a business, pursuant to a written contract with specified provisions, “shares, discloses, or

otherwise communicates to another business or third party an online identifier, an Internet Protocol address, a cookie identifier, a device identifier, or any unique identifier only to the extent necessary to deliver, show, measure, or otherwise serve or audit a specific advertisement to the consumer," it shall *not* be considered a "sale" of information. The written contract must prohibit the other business or third party from "sharing, selling, or otherwise communicating the information except as necessary to deliver, show, measure, or otherwise serve or audit an advertisement from the business."

The author writes:

Fundamental to the CCPA's mission is the steadfast belief that California can ensure equal access to the internet while also protecting individual privacy rights guaranteed by our state and federal constitutions. Commensurate with that promise SB 753 will uphold equal access to the internet while protecting consumer privacy by allowing businesses in advertising contracts to share specific unique identifiers, like cookie identifications, decoupled from personal information like names, home addresses and telephone numbers. This distinction allows businesses to deliver targeted advertisements – critical to small internet businesses who rely upon niche consumer bases – and ensures that the implementation of the CCPA will not result in the ballooning of subscription-based, pay-to-access internet services.

It should be noted that the CCPA does not prohibit the sale of information, so long as it does not violate the anti-discrimination provisions. Therefore, advertising carried out by a business is not restricted by the CCPA, whether it be contextual or targeted advertising. What the CCPA does do is provide consumers a limited right to restrict when their information is sold for certain advertising purposes.

As discussed above, there is already an exception from the definition of sale for certain advertising, so consumers cannot opt out of advertising altogether. This bill seeks to carve out a further exception from the definition of sale for certain targeted or behavioral advertising practices that involve the sharing of a consumer's personal information between a first party business and another party, but does not limit that transfer to providing services to the original business.

While there is a requirement that a written contract prohibit the "other business or third party" from further sharing, selling, or communicating the personal information, the other business or third party is not restricted, pursuant to this bill, from *retaining* or *using* this personal information. These entities could therefore amass and retain this information from millions of websites for millions of consumers and use the information for their own purposes. None of this would be deemed a "sale" and therefore consumers would not be able to opt out of these practices.

Furthermore, the information the bill allows to be disclosed under this exception is “an online identifier, an Internet Protocol address, a cookie identifier, a device identifier, or any unique identifier.” While a cookie identifier is a more contained piece of information that alone can be easily controlled by a consumer, “any unique identifier” seems to encompass literally any piece of personal information, significantly broadening this targeted marketing exception.

In addition, the fact that the original sharing, disclosure, or communication of personal information is not a sale of information when a written contract, as specified, exists to limit what the receiving business can do with the information is arguably problematic from the consumer’s point of view. The further purposes to which the “other business or third party” puts the information is constrained only by a private contract the consumer is not a party to and would be unlikely to see or be able to enforce such contract. In addition, the information has now been transferred away from the business that the consumer actually interacted with. This allows the information to move further from the consumer’s oversight without the ability for the consumer to opt out or to easily keep track of.

To be clear, the type of internet-based, behavioral advertising provided for in this bill is not currently *restricted* by the CCPA. This bill, therefore, is not *authorizing* such advertising but is removing the right of consumers to control when this type of advertising occurs using their personal information.

3. Support and Opposition

A number of consumer and privacy groups have expressed serious concerns with the bill. A coalition of such groups writes in opposition:

SB 753 would allow for all businesses—including and especially third-party ad networks that consumers may not be aware of—to continue unchecked behavioral-targeting and profiling. This bill would remove critical protections in the California Consumer Privacy Act (CCPA) that allow consumers to say “no” to the sale of their information and stop their information from being funneled into this invasive system in the first place. SB 753 would also enable companies to behaviorally profile and commercially target young people, offering no protections to them or their parents. . . .

In sum, this new exception would remove the ability of consumers to prevent the dissemination of their personal information from the website they are visiting to any third party, allowing their personal information to flow unchecked into the ad-exchange system, after which a consumer can never regain future control.

In support of the bill, a coalition of business groups writes that they “support the goal of consumer control over data, but . . . are concerned that the CCPA will adversely

impact inexpensive digital advertising that is critical to the success of enterprises such as publishers, content creators, artists, retailers, restauranteurs, and many others.”

Another coalition of tech and business groups writes in support of carving out this type of advertising from the definition of sale:

The practice of online advertising is beneficial for the entire internet ecosystem, including consumers, publishers, app developers, and advertisers. Tailored online advertising allows consumers to receive fewer but more relevant ads, publishers to fund their content, apps to find means of support without subscriptions, and small business advertisers to find niche audiences across the internet. . . .

Online advertising is a crucial aspect of the internet economy that CCPA was not intended to impact.

However, in response to this assertion, Californians for Consumer Privacy, the backers of the ballot initiative that led to the enactment of the CCPA, disagrees, asserting that “SB 753 would undermine a major right gained through the passage of the CCPA in 2018.”

To the concerns of business groups that the current CCPA undermines the ability to engage in essential advertising, Californians for Consumer Privacy writes that “it is unclear why the current law is not sufficient to allow for advertising in a manner that is respectful of a consumer’s wishes to opt-out of the sale of their information.”³

Californians for Consumer Privacy asserts that under the CCPA a particular business can already use a “consumer’s information to show advertising on its own website, or use an advertiser, acting as a service provider or contractor to show ads on the business’ website as long as the information shared by the business about the targeted consumer is siloed between the business and the advertiser.” According to the group, the protective framework intentionally created in the CCPA is undermined by this bill:

SB 753 proposes to amend the definition of “sell” in Civil Code Section 1798.140 in a manner that will break down th[is] silo effect As a result, even if a consumer opts-out of the sale of their data, this proposal would allow an advertiser to combine, share and proliferate data throughout the advertising economy. The proposed language will essentially eliminate the silo effect that would occur pursuant to the CCPA, which allows for targeted advertising but prevents the proliferation of a consumer’s data throughout the economy.

³ See also, Michael Hiltzik, *Don’t let business groups rewrite California’s landmark privacy law* (April 19, 2019) Los Angeles Times, <https://www.latimes.com/business/hiltzik/la-fi-hiltzik-cal-privacy-act-20190419-story.html>.

The coalition of privacy and consumer groups echoes this concern: “One major purpose of the CCPA was to prevent the unchecked sharing of consumers’ personal information by commercial interests online who behaviorally profile them and target them with ads without consumers’ knowledge. SB 753 is a step backward from this worthwhile purpose.”

SUPPORT

California American Water
California Asian Pacific Chamber of Commerce
California Black Chamber of Commerce
California Chamber of Commerce
California Grocers Association
California Hispanic Chambers of Commerce
California Manufacturers & Technology Association
California Mortgage Bankers Association
California Restaurant Association
California Restaurant Association
California Retailers Association
California Small Business Association
California Water Association
Coalition of Small & Disabled Veteran Businesses
Computing Technology Industry Association
Connected Commerce Council
CTIA – The Wireless Association
Email Sender & Provider Coalition
Engine
Internet Association
Internet Coalition
Latin Business Association
Motion Picture Association of America
National Federation of Independent Business
National Federation of Independent Businesses, CA
Net Choice
Nonprofit Alliance
Small Business California
TechNet
The Insights Association
The State Privacy and Security Coalition
Valley Industry & Commerce Association

OPPOSITION

Access Humboldt

ACLU of California
Californians for Consumer Privacy
Center for Digital Democracy
Common Sense Kids Action
Consumer Federation of America
Consumer Reports
Digital Privacy Alliance
Electronic Frontier Foundation
Media Alliance
Oakland Privacy
Privacy Rights Clearinghouse

RELATED LEGISLATION

Pending:

SB 561 (Jackson, 2019) amends the private and consumer enforcement mechanisms in the CCPA. The bill also authorizes the Attorney General to provide general guidance on compliance with the CCPA. This bill is currently in the Senate Appropriations Committee.

AB 25 (Chau, 2019) excludes from the definition of “consumer” in the CCPA a natural person whose personal information has been collected by a business in the course of a person acting as a job applicant or as an employee, contractor, or agent, on behalf of the business, to the extent their personal information is used for purposes compatible with the context of the person’s activities for the business as a job applicant, employee, contractor, or agent of the business. The bill states the intent to further clarify how a business shall comply with requests for specific pieces of information. This bill is currently in the Assembly Privacy and Consumer Protection Committee.

AB 288 (Cunningham, 2019) provides that when a user of a social networking service deactivates or deletes the user’s account, the service shall provide the user the option of having the user’s personally identifiable information permanently removed from any database controlled by the service, from the service’s records, and to prohibit the service from selling that information to, or exchanging that information with, a third party in the future. Consumers are authorized to bring civil actions for damages that occur as a result of violations of the bill, including attorney’s fees, pain and suffering, and punitive damages, as specified. This bill is currently in the Assembly Privacy and Consumer Protection Committee.

AB 846 (Burke, 2019) amends the non-discrimination provisions of the CCPA. It also removes the prohibition on businesses’ use of financial incentive practices that are unjust or unreasonable. It also clarifies that loyalty and rewards programs are not

restricted by the CCPA. This bill is currently in the Assembly Privacy and Consumer Protection Committee.

AB 873 (Irwin, 2019) loosens the definition of “deidentified” and narrows the definition of “personal information” in the CCPA. It removes from the definition of “personal information” information that can identify a particular household. It also removes the requirement that a business reidentify or otherwise link certain information for purposes of the CCPA. This bill is currently in the Assembly Privacy and Consumer Protection Committee.

AB 874 (Irwin, 2019) amends the definition of “personal information” in the CCPA. It removes the application of the CCPA to publicly available information that is used for a purpose that is not compatible with the purpose for which the data is maintained and made available in government records or for which it is publicly maintained. This bill is currently in the Assembly Privacy and Consumer Protection Committee.

AB 950 (Levine, 2019) requires a business that conducts business in California and that collects a California resident’s consumer data to disclose to the consumer the monetary value to the business of their consumer data through various methods. If the data is sold, the business is required to disclose the average and actual price that is paid. The bill also establishes the Consumer Data Privacy Commission to provide guidance to the Legislature and to submit a report regarding appropriate metrics and methodology for determining the monetary value of consumer data. This bill is currently in the Assembly Privacy and Consumer Protection Committee.

AB 981 (Daly, 2019) exempts from the protections and provisions of the CCPA insurance institutions, agents, insurance-support organizations, or insurance transactions, as specified. This bill is currently in the Assembly Privacy and Consumer Protection Committee.

AB 1138 (Gallagher, 2019) prohibits a person or business that conducts business in California, and that operates a social media website or application, from allowing a person under 16 years of age to create an account with the website or application unless the website or application obtains the consent of the person’s parent or guardian before creation of the account. This bill is currently in the Assembly Privacy and Consumer Protection Committee.

AB 1146 (Berman, 2019) exempts from the protections and provisions of the CCPA vehicle information, including ownership information, shared between a new motor vehicle dealer and the vehicle’s manufacturer, if the vehicle information is shared pursuant to, or in anticipation of, a vehicle repair relating to warranty work or a recall, as specified. This bill is currently in the Assembly Privacy and Consumer Protection Committee.

AB 1202 (Chau, 2019) requires data brokers to register with, and provide certain information to, the Attorney General. Such information must be made publicly accessible. This bill is currently in the Assembly Appropriations Committee.

AB 1355 (Chau, 2019) amends the definitions of “publicly available” and “personal information.” This bill is currently in the Assembly Privacy and Consumer Protection Committee.

AB 1395 (Cunningham, 2019) prohibits a smart speaker device, or a smart speaker device manufacturer, from saving or storing recordings of verbal commands or requests given to a smart speaker device, or verbal conversations heard by the smart speaker device, regardless of whether the smart speaker device was triggered using a key term or phrase. This bill is currently in the Assembly Privacy and Consumer Protection Committee.

AB 1416 (Cooley, 2019) expands the exemptions within the CCPA, specifically including additional conduct that a business is able to engage in without restriction from the CCPA. This includes the ability to disclose personal information to assist another person to exercise legal claims and to protect against fraud or unauthorized transactions. This bill is currently in the Assembly Privacy and Consumer Protection Committee.

AB 1564 (Berman, 2019) reduces the methods a business must make available to consumers for submitting requests for information required to be disclosed pursuant to the CCPA. It removes the requirement that a business provide a toll-free telephone number for such purposes. This bill is currently in the Assembly Privacy and Consumer Protection Committee.

AB 1760 (Wicks, 2019) strengthens various protections for consumers in the CCPA, including a change from opt-out consent for the sale of information to opt-in consent for the sharing of information. The bill also includes data minimization requirements and modifies various definitions. It also explicitly allows district attorneys, city attorneys, and county counsel to bring actions on behalf of the people for violations of the CCPA in addition to the Attorney General. It also removes the provision regarding the legal opinions of the Attorney General. This bill is currently in the Assembly Privacy and Consumer Protection Committee.

Prior:

AB 375 (Chau, Ch. 55, Stats. 2018) *See* Comment 1.

SB 1121 (Dodd, Ch. 735, Stats. 2018) amended the CCPA to make technical fixes and to address various stakeholder concerns.
