

Morgan Lewis



20TH ANNUAL PRIVACY & SECURITY CONFERENCE

PRE-CONFERENCE EDUCATIONAL SESSIONS: FEB 6, 2019 | CONFERENCE: FEB 7-8, 2019

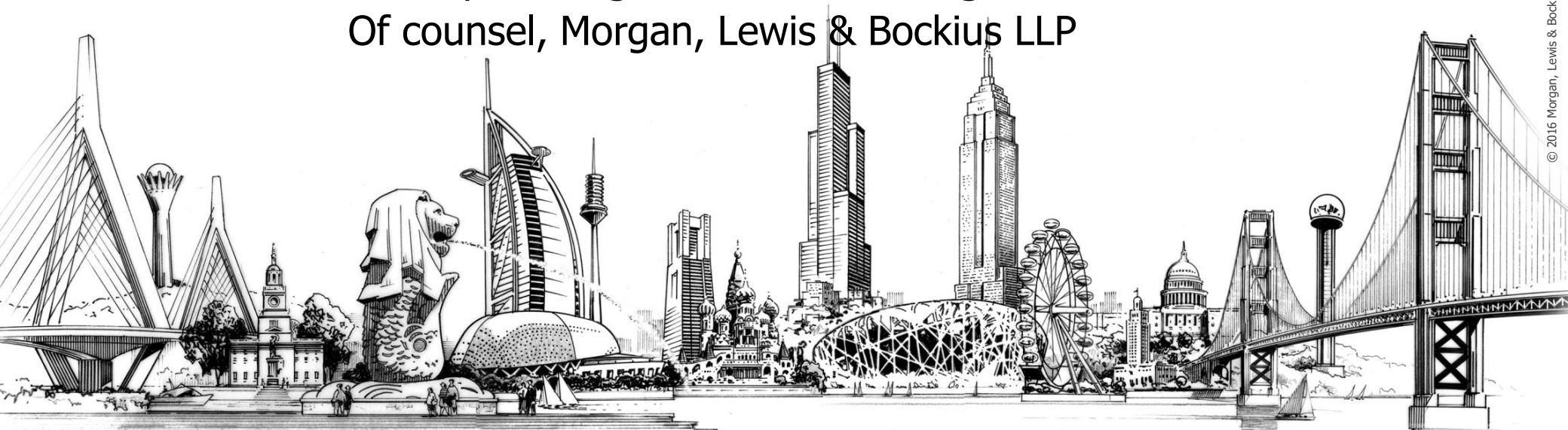
Looking Back and Leading Forward in a Digital World

VICTORIA CONFERENCE CENTRE | VICTORIA | BRITISH COLUMBIA

California Consumer Privacy Act of 2018

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CALIFORNIA CONSUMER PRIVACY ACT OF 2018

CONSUMERS HAVE FOUR MAIN RIGHTS

- I. Right to know -- what personal information has been collected, businesses must disclose how used
- II. Right to “opt out” of selling personal info
- III. Right to have business delete personal info
- IV. Right to receive equal service and pricing

CALIFORNIA CONSUMER PRIVACY ACT OF 2018

WHO IS SUBJECT TO CCPA? WHO ENFORCES?

- I. *For profit businesses that collect and process personal info of Calif. residents, and do business in Calif., and . . .

ann. gr. rev. > \$25 million, or collect/disclose info of 50,000+ Calif. residents, or derive 50% of revenues selling that info*
- II. *Calif. Atty. Gen. enforces, \$7500 per viol., also private right of action, damages per resident per incident*
- III. *CCPA effective Jan. 1, 2020; AG to write regulations*

CALIFORNIA CONSUMER PRIVACY ACT OF 2018

RELATION TO GDPR? COMPLY WITH BOTH?

- I. *Similar: applies to companies located outside borders*
- II. *Dissimilar: CCPA does not govern data breaches, data security, etc.; CCPA is consumer privacy law*
- III. *Dissimilar: GDPR includes right to be forgotten, rectification, no decisions based on auto processing, etc., uses “opt-in”*
- IV. *But companies will have to comply with both: offer “opt-in” and “opt-out” – challenges for compliance*

THANK YOU

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