



California Consumer Privacy Act Roadmap

Version 1.0

In collaboration with



Introduction

The California Consumer Privacy Act (“**CCPA**”) becomes effective January 1, 2020 and will have profound implications on the digital advertising industry.

This chart creates a structured and comprehensible framework of CCPA’s compliance obligations as they relate to digital advertising industry participants who collect, disclose, and/or sell the personal information of consumers. It is not intended to be a comprehensive analysis akin to a law review article or a substitute for legal advice for your company.

Before reviewing the chart, you should familiarize yourself with the key definitions listed below and answer the following questions as they relate to your company:

1. Is my company a “business,” a “service provider,” or a “third party?” Your compliance obligations are largely driven by this question. Please be advised that your designation could vary depending upon the nature of your activities.
2. Does my company “collect” “personal information?”
3. Does my company “sell” “personal information?”
4. Does my company disclose “personal information” to a “service provider” for a “business purpose?”
5. Does my company disclose “personal information” for a “business purpose?”

As set forth in the chart, answers to these questions will dictate your obligations under CCPA, including those relating to notice, consumers’ access to their data, data disclosures to consumers, and deletion requirements.

Key Definitions

“**Aggregate consumer information**” means “information that relates to a group or category of consumers, from which individual consumer identities have been removed, that is not linked or reasonably linkable to any consumer or household, including via a device. “Aggregate consumer information” does not mean one or more individual consumer records that have been deidentified.” 1798.140(a).

Notes: The statute does not restrict a business’ ability to: “Collect, use, retain, sell, or disclose consumer information that is deidentified or in the aggregate consumer information.” 1798.145(a)(5).

“**Business**” means (1) an entity that operates for the profit or financial benefit of its shareholders or other owners, that collects consumers’ personal information, or on the behalf of which such information is collected and that alone, or jointly with others, determines **the purposes and means of the processing** of consumers’ personal information, that does business in the State of California, and that satisfies one or more of the following thresholds: (A) Has annual gross revenues in excess of twenty-five million dollars (\$25,000,000); (B) Alone or in combination, annually buys, receives for the business’s commercial purposes, sells, or shares for commercial purposes, alone or in combination, the personal information of 50,000 or more consumers, households, or devices; or (C) Derives 50 percent or more of its annual revenues from selling consumers’ personal information; or (2) Any entity that controls or is controlled by a business, as defined in paragraph (1), and that shares common branding with the business. 1798.140(c).

Notes: A “business” under the CCPA is analogous to a “data controller” under the GDPR. In light of this definition, most publishers and brands are likely “businesses” under the CCPA if they meet the other requirements under the statute. Similarly, ad networks are likely “businesses,” because in creating and selling audience segments on behalf of various publishers, ad networks often control the data processing activities.

The CCPA does not define what is meant by the “purpose and means” of processing, but we can look to supplementary guidance regarding the EU Directive and EU case law to examine how other regulators have interpreted the term in the context of data privacy. See, e.g., https://ec.europa.eu/justice/article-29/documentation/opinion-recommendation/files/2010/wp169_en.pdf.

Key Definitions

“Business purpose” means “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.” 1798.140(d).

Notes: The statute lists seven activities that constitute business purposes. For the digital advertising ecosystem, the following are the relevant ones:

- Auditing a current interaction and concurrent transactions (e.g., counting and verifying ad impressions);
- Contextual customization of ads shown as part of the same interaction (if no profiles or reference to user outside of the current interaction);
- Providing advertising, marketing, analytics or similar services on behalf of the business or service provider;
- To improve, upgrade or enhance a business’ device or service; and
- Fraud prevention, security, debugging, etc.

“Collects” means “buying, renting, gathering, obtaining, receiving, or accessing any personal information pertaining to a consumer by any means. This includes receiving information from the consumer, either actively or passively, or by observing the consumer’s behavior.” 1798.140(e).

“Commercial purposes” means to advance a person’s commercial or economic interests, such as by inducing another person to buy, rent, lease, join, subscribe to, provide, or exchange products, goods, property, information, or services, or enabling or effecting, directly or indirectly, a commercial transaction. “Commercial purposes” do not include for the purpose of engaging in speech that state or federal courts have recognized as noncommercial speech, including political speech and journalism. 1798.140(f).

Key Definitions

“Consumer” means “a natural person who is a California resident, as defined in Section 17014 of Title 18 of the California Code of Regulations, as that section read on September 1, 2017, however identified, including by any unique identifier.” 1798.140(g).

Notes: Thus, consumers include individuals in the state for other than a temporary or transitory purpose, and individuals domiciled in the state, but outside the state for a temporary or transitory purpose.

“Deidentified” means “information that cannot reasonably identify, relate to, describe, be capable of being associated with, or be linked, directly or indirectly, to a particular consumer, provided that a business that uses deidentified information:

1. Has implemented technical safeguards that prohibit reidentification of the consumer to whom the information may pertain.
2. Has implemented business processes that specifically prohibit reidentification of the information.
3. Has implemented business processes to prevent inadvertent release of deidentified information.
4. Makes no attempt to reidentify the information.” 1798.140(h).

Notes: The statute does not restrict a business’ ability to: “Collect, use, retain, sell, or disclose consumer information that is deidentified or in the aggregate consumer information.” 1798.145(a)(5)

Key Definitions

“Designated methods for submitting requests” means “a mailing address, email address, Internet Web page, Internet Web portal, toll-free telephone number, or other applicable contact information, whereby consumers may submit a request or direction under this title, and any new, consumer-friendly means of contacting a business, as approved by the Attorney General . . .” 1798.140(i).

“Personal information” means “information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household.” 1798.140(o).

Notes: The statute lists 11 broad, non-exhaustive examples of data that constitute “personal information,” but expressly excludes from the definition “publicly available information.”

The September 23, 2018 amendment makes it clear that the listed examples constitute personal information only if the data “identifies, relates to, describes, is capable of being associated with, or could be reasonably linked, directly or indirectly, with a particular consumer or household.” 1798.140(o)(1).

“Pseudonymize” or **“Pseudonymization”** means the “processing of personal information in a manner that renders the personal information no longer attributable to a specific consumer without the use of additional information, provided that the additional information is kept separately and is subject to technical and organizational measures to ensure that the personal information is not attributed to an identified or identifiable consumer.” 1798.140(r).

Key Definitions

“Sell” means “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.” 1798.140(t).

Notes: There is no “sale” if:

- Consumer directs the transfer and recipient does not sell (unless consistent with the Act)
- Sharing identifier to ensure opt-out
- Sharing with a Service Provider to perform a “business purpose” if
 - Explained in privacy notices; and
 - Service Provider does not collect, sell, or use other than for the business purpose
- In connection with a merger/asset sale subject to the same use

“Service Provider” means a company that “processes information on behalf of a business and to which the business discloses a consumer’s personal information for a business purpose pursuant to a written contract, provided that the contract prohibits the entity receiving the information from retaining, using, or disclosing the personal information for any purpose other than for the specific purpose of performing the services specified in the contract for the business, or as otherwise permitted by this title, including retaining, using, or disclosing the personal information for a commercial purpose other than providing the services specified in the contract with the business.” 1798.140(v).

Notes: A “service provider” under the CCPA is analogous to a “data processor” under the GDPR. Most SSPs are likely “service providers” to publishers; DSPs are likely “service providers” to advertisers and agencies; and ad exchanges are likely “service providers” to publishers, advertisers, and agencies, if in each case they meet the other requirements under the statute.

In light of the above definition, can an organization be a “service provider” only if it receives the personal information from the business? What happens if it collects the personal information from consumers directly on behalf of the business? Based on the notice obligations set forth in 1798.115, it seems like a service provider is meant to only receive personal information from the business itself. If that is true, certain intermediaries, such as agencies, SSPs, and DMPs, may not be service providers depending on their particular business model, because they often collect data directly from consumers on behalf of a business.

Key Definitions

What happens if the contract between the business and the intermediary allows the intermediary to use the data beyond merely providing services for the business? Does that make the intermediary a “business?” Most contracts involving intermediaries allow the intermediary to use data in an aggregated and/or anonymized fashion. Does that make the intermediary a “business?” Consider specifying that the intermediary may aggregate and anonymize data on behalf of the business, in which case the intermediary would likely not be considered a business.

“**Third party**” means a person who is not (i) the business that collects personal information from consumers or (ii) a service provider. 1798.140(w).

Notes: A third party cannot sell personal information it has been sold from a business unless the business has published an opt-out notice and the consumer has the opportunity to opt out (1798.115(d)). But what if the third party received the data from a service provider? There is no obligation for the service provider to enter into a contract with the third party to ensure the third party does not sell the data.

“**Verifiable consumer request**” means “a request that is made by a consumer, by a consumer on behalf of the consumer’s minor child, or by a natural person or a person registered with the Secretary of State, authorized by the consumer to act on the consumer’s behalf, and that the business can reasonably verify, pursuant to regulations adopted by the Attorney General . . . to be the consumer about whom the business has collected personal information. A business is not obligated to provide information to the consumer pursuant to Sections [1798.110](#) and [1798.115](#) if the business cannot verify, pursuant this subdivision and regulations adopted by the Attorney General . . . that the consumer making the request is the consumer about whom the business has collected information or is a person authorized by the consumer to act on such consumer’s behalf.” 1798.140(y).

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		OBLIGATIONS/RESTRICTIONS FOR:						
SUMMARY OF STATUTE	TEXT OF STATUTE	STATUTORY REFERENCE	"BUSINESSES" THAT COLLECT PERSONAL INFORMATION	"BUSINESSES" THAT SELL PERSONAL INFORMATION	"BUSINESSES" THAT DISCLOSE PERSONAL INFORMATION FOR A "BUSINESS PURPOSE"	"SERVICE PROVIDERS"	"THIRD PARTIES"	NOTES If you have suggestions for inclusion of provision specific comments in the "NOTES," please email ccpa@iab.com .
"JUST-IN-TIME" NOTICE (MUST BE GIVEN TO CONSUMERS AT OR BEFORE THE POINT OF COLLECTION OF PERSONAL INFORMATION)								
Categories of personal information to be collected	1798.100(b): A business that collects a consumer's personal information shall, at or before the point of collection, inform consumers as to the categories of personal information to be collected and the purposes for which the categories of personal information shall be used. A business shall not collect additional categories of personal information or use personal information collected for additional purposes without providing the consumer with notice consistent with this section.	1798.100(b)	X					A business shall not collect additional categories of personal information or use personal information collected for additional purposes without providing the consumer with notice consistent with this section.
Purposes for which the categories of personal information shall be used			X					
PRIVACY NOTICE (LIST OF REQUIRED UPDATES)								Must be disclosed in Online Privacy Policy and, if exists, any "California Rights"-specific page. Scope of information disclosed is limited to the preceding 12 months. Relatedly, all information disclosed must be updated at least every 12 months.
Categories of personal information collected about that consumer	1798.110(c): A business that collects personal information about consumers shall disclose, pursuant to subparagraph (B) of paragraph (5) of subdivision (a) of Section 1798.130: (1) The categories of personal information it has collected about that consumer. (2) The categories of sources from which the personal information is collected. (3) The business or commercial purpose for collecting or selling personal information. (4) The categories of third parties with whom the business shares personal information. (5) The specific pieces of personal information the business has collected about that consumer. 1798.130(a)(5)(B): For purposes of subdivision (c) of Section 1798.110, a list of the categories of personal information it has collected about consumers in the preceding 12 months by reference to the enumerated category or categories in subdivision (c) that most closely describe the personal information collected.	1798.110(c) and 1798.130(a)(5)(B)	X					Must list categories of personal information collected about consumers (1) in the preceding 12 months and (2) by reference to the enumerated categories within the "personal information" definition. Even though 1798.110(c) says "that" consumer, the intent of these sections is for business's to update their privacy policy and 1798.130(a)(5)(B) mentions "consumers" generally. Due to the aforementioned, and practical considerations, Privacy Notice updates should likely be made about consumers generally.
Categories of sources from which the personal information is collected			X					
Business or commercial purpose for collecting or selling personal information			X					
Categories of third parties with whom the business shares personal information			X					Unclear how a business can "share" personal information with a third party as opposed to "selling" personal information to a third party. Any sharing with a third party is likely a sale.
Specific pieces of personal information the business has collected about that consumer			X					

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List of categories of consumers' personal information it has sold or the fact that no sales have occurred	<p>1798.115(c): A business that sells consumers' personal information, or that discloses consumers' personal information for a business purpose, shall disclose, pursuant to subparagraph (C) of paragraph (5) of subdivision (a) of Section 1798.130:</p> <p>(1) The category or categories of consumers' personal information it has sold, or if the business has not sold consumers' personal information, it shall disclose that fact.</p> <p>(2) The category or categories of consumers' personal information it has disclosed for a business purpose, or if the business has not disclosed the consumers' personal information for a business purpose, it shall disclose that fact.</p>	1798.115(c) and 1798.130(a)(5)(C)		X				Must list categories of personal information about consumers that have been sold (1) in the preceding 12 months and (2) by reference to the enumerated categories within the "personal information" definition. This list is SEPARATE from the "disclosure" list below.
List of categories of consumers' personal information it has disclosed or the fact that no disclosures have occurred	<p>1798.130(a)(5)(C): For purposes of paragraphs (1) and (2) of subdivision (c) of Section 1798.115, two separate lists:</p> <p>(i) A list of the categories of personal information it has sold about consumers in the preceding 12 months by reference to the enumerated category or categories in subdivision (c) that most closely describe the personal information sold, or if the business has not sold consumers' personal information in the preceding 12 months, the business shall disclose that fact.</p> <p>(ii) A list of the categories of personal information it has disclosed about consumers for a business purpose in the preceding 12 months by reference to the enumerated category in subdivision (c) that most closely describe the personal information disclosed, or if the business has not disclosed consumers' personal information for a business purpose in the preceding 12 months, the business shall disclose that fact.</p>				X			Must list categories of personal information about consumers that have been sold (1) in the preceding 12 months and (2) by reference to the enumerated categories within the "personal information" definition. This list is SEPARATE from the "sale" list above.
Description of right to request access/disclosure of data collected, sold, or disclosed for business purpose	<p>1798.130(a)(5)(A): Disclose the following information in its online privacy policy or policies if the business has an online privacy policy or policies and in any California-specific description of consumers' privacy rights, or if the business does not maintain those policies, on its Internet Web site, and update that information at least once every 12 months:</p> <p>(A) A description of a consumer's rights pursuant to Sections 1798.110, 1798.115, and 1798.125 and one or more designated methods for submitting requests.</p>	1798.130(a)(5)(A)	X	X	X			
Two or more designated methods to submit access/disclosure requests, including at a minimum a toll free phone number and a website address, if the business maintains a website	<p>1798.130(a)(1): Make available to consumers two or more designated methods for submitting requests for information required to be disclosed pursuant to Sections 1798.110 and 1798.115, including, at a minimum, a toll-free telephone number, and if the business maintains an Internet Web site, a Web site address.</p>	1798.130(a)(1)	X	X	X			Must include, at a minimum, (1) a toll-free telephone number and (2) if the business maintains an Internet Web site, a Web site address.

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Description of right to request deletion of personal information collected from the consumer (and one or more designated methods to submit deletion request)	<p>1798.105(b): A business that collects personal information about consumers shall disclose, pursuant to Section 1798.130, the consumer's rights to request the deletion of the consumer's personal information.</p> <p>1798.130(a)(5)(A): (a) In order to comply with Sections 1798.100, 1798.105, 1798.110, 1798.115, and 1798.125, a business shall, in a form that is reasonably accessible to consumers:</p> <p>(5) Disclose the following information in its online privacy policy or policies if the business has an online privacy policy or policies and in any California-specific description of consumers' privacy rights, or if the business does not maintain those policies, on its Internet Web site, and update that information at least once every 12 months:</p> <p>(A) A description of a consumer's rights pursuant to Sections 1798.110, 1798.115, and 1798.125 and one or more designated methods for submitting requests.</p>	1798.130(a)(5)(A)	X					
Description of right not to be discriminated against for exercising other rights (e.g., access/disclosure, deletion, opt-out of sale)	<p>1798.125(a)(1): A business shall not discriminate against a consumer because the consumer exercised any of the consumer's rights under this title, including, but not limited to, by: [...]</p> <p>1798.130(a)(5)(A): Disclose the following information in its online privacy policy or policies if the business has an online privacy policy or policies and in any California-specific description of consumers' privacy rights, or if the business does not maintain those policies, on its Internet Web site, and update that information at least once every 12 months:</p> <p>(A) A description of a consumer's rights pursuant to Sections 1798.110, 1798.115, and 1798.125 and one or more designated methods for submitting requests.</p>	1798.130(a)(5)(A)	X	X	X			
Material terms of financial incentive programs (if any) and one or more designated methods to "opt in" and "opt out"	<p>1798.130(a)(5)(A): Disclose the following information in its online privacy policy or policies if the business has an online privacy policy or policies and in any California-specific description of consumers' privacy rights, or if the business does not maintain those policies, on its Internet Web site, and update that information at least once every 12 months:</p> <p>(A) A description of a consumer's rights pursuant to Sections 1798.110, 1798.115, and 1798.125 and one or more designated methods for submitting requests.</p> <p>1798.125(b)(2)/(3): (2) A business that offers any financial incentives pursuant to subdivision (a), shall notify consumers of the financial incentives pursuant to Section 1798.135. (3) A business may enter a consumer into a financial incentive program only if the consumer gives the business prior opt-in consent pursuant to Section 1798.135 which clearly describes the material terms of the financial incentive program, and which may be revoked by the consumer at any time.</p>	1798.130(a)(5)(A) and 1798.125(b)(2)/(b)(3)	X	X	X			1798.125(b)(2) references that notice must be given pursuant to 1798.135 but the latter provision does not mention 1798.125 at all.

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Provide a link on the business's homepage titled, " Do Not Sell My Personal Information "	1798.135(a)(1): Provide a clear and conspicuous link on the business's Internet homepage, titled "Do Not Sell My Personal Information," to an Internet Web page that enables a consumer, or a person authorized by the consumer, to opt-out of the sale of the consumer's personal information. A business shall not require a consumer to create an account in order to direct the business not to sell the consumer's personal information.			X				Pursuant to 1798.135(a)(1), a clear and conspicuous link titled " Do Not Sell My Personal Information " must be on the business's homepage. It must link to a page that enables a consumer, or other authorized person of consumer, to opt out of sale of consumer PI. This is <i>separate</i> from the link to the " Do Not Sell My Personal Information " page that must also be in the business's privacy policy or, if it has one, a California-specific privacy page.
Description of right to opt out of sale to third parties and separate link to " Do Not Sell My Personal Information " page in the business's privacy policy and/or, if the business has one, any California-specific privacy rights page	1798.120(a): 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. 1798.135(a)(2): Include a description of a consumer's rights pursuant to Section 1798.120, along with a separate link to the "Do Not Sell My Personal Information" Internet Web page in: (A) Its online privacy policy or policies if the business has an online privacy policy or policies. (B) Any California-specific description of consumers' privacy rights.	1798.120(a) and 1798.135(a)(2)		X				
Before a third party may sell any personal information about a consumer that the business sold to it, the consumer must receive explicit notice and an opportunity to opt out of such sale by third party pursuant to 1798.120	1798.115(d): A third party shall not sell personal information about a consumer that has been sold to the third party by a business unless the consumer has received explicit notice and is provided an opportunity to exercise the right to opt-out pursuant to Section 1798.120.	1798.115(d)		X				Standard for 'explicit notice' is unclear. In practice, this could either be brought to a consumer's attention in the privacy policy or in the form of a just-in-time notice. Also unclear if the business has the burden of presenting this notice and choice but this is likely the case, pursuant to 1798.120.

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CONSUMER ACCESS/DISCLOSURE OBLIGATIONS								Practitioners have referred to this right interchangeably as the "right of access" or "right of disclosure"; the same is done here.
<p>A consumer has a right to request from a business that has collected personal information about him/her disclosure to that consumer of the following information:</p> <p>(1) The categories of personal information it has collected about that consumer (2) The categories of sources from which the personal information is collected (3) The business or commercial purpose for collecting or selling personal information (4) The categories of third parties with whom the business shares personal information (5) The specific pieces of personal information it has collected about that consumer</p> <p>Information provided by the consumer in a verifiable request must be associated to any personal information previously collected about the consumer</p> <p>Categories of personal information collected about the consumer in the preceeding 12 months must be identified by reference to the enumerated categories listed in the definition of personal information</p>	<p>1798.100(c): A consumer shall have the right to request that a business that collects a consumer's personal information disclose to that consumer the categories and specific pieces of personal information the business has collected.</p> <p>1798.110(a): A consumer shall have the right to request that a business that collects personal information about the consumer disclose to the consumer the following: (1) The categories of personal information it has collected about that consumer. (2) The categories of sources from which the personal information is collected. (3) The business or commercial purpose for collecting or selling personal information. (4) The categories of third parties with whom the business shares personal information. (5) The specific pieces of personal information it has collected about that consumer.</p> <p>1798.130(a)(3): A business shall, in a form that is reasonably accessible to consumers for purposes of subdivision (b) of Section 1798.110: (A) To identify the consumer, associate the information provided by the consumer in the verifiable consumer request to any personal information previously collected by the business about the consumer. (B) Identify by category or categories the personal information collected about the consumer in the preceding 12 months by reference to the enumerated category or categories in subdivision (c) that most closely describes the personal information collected.</p>	<p>1798.100(a), 1798.110(a), 1798.130(a)(3)</p>	X					

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<p>A consumer has the right to request from a business that sells personal information or discloses it for a business purpose the disclosure to that consumer of the following:</p> <p>Categories of personal information collected, categories of personal information sold, categories of third parties to whom data was sold together with the categories of personal information they received, and categories of personal information disclosed for a business purpose</p> <p>In particular, a business that sells personal information or discloses personal information for business purposes shall:</p> <p>Identify consumer and associate personal information provided by the consumer in the verifiable consumer request with previously collected personal information about that consumer</p> <p>Identify categories of consumer's personal information that has been sold in 12 months preceding the verifiable consumer request</p> <p>Provide categories of third parties to whom personal information was sold in preceding 12 months together with reference to categories of personal information sold</p> <p>Identify categories of personal information disclosed for business purpose in 12 months preceding consumer request</p> <p>Provide categories of third parties to whom personal information was disclosed for a business purpose in preceding 12 months with reference to personal information disclosed for business purpose</p> <p>Disclosure of personal information sold shall be listed separate from personal information disclosed for business purpose</p>	<p>1798.115(a): A consumer shall have the right to request that a business that sells the consumer's personal information, or that discloses it for a business purpose, disclose to that consumer: (1) The categories of personal information that the business collected about the consumer. (2) 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. (3) The categories of personal information that the business disclosed about the consumer for a business purpose.</p> <p>1798.130(a)(4): A business shall, in a form that is reasonably accessible to consumers, for purposes of subdivision (b) of Section 1798.115: (A) Identify the consumer and associate the information provided by the consumer in the verifiable consumer request to any personal information previously collected by the business about the consumer. (B) Identify by category or categories the personal information of the consumer that the business sold in the preceding 12 months by reference to the enumerated category in subdivision (c) that most closely describes the personal information, and provide the categories of third parties to whom the consumer's personal information was sold in the preceding 12 months by reference to the enumerated category or categories in subdivision (c) that most closely describes the personal information sold. The business shall disclose the information in a list that is separate from a list generated for the purposes of subparagraph (C). (C) Identify by category or categories the personal information of the consumer that the business disclosed for a business purpose in the preceding 12 months by reference to the enumerated category or categories in subdivision (c) that most closely describes the personal information, and provide the categories of third parties to whom the consumer's personal information was disclosed for a business purpose in the preceding 12 months by reference to the enumerated category or categories in subdivision (c) that most closely describes the personal information disclosed. The business shall disclose the information in a list that is separate from a list generated for the purposes of subparagraph (B).</p>	<p>1798.115(a) and 1798.130(a)(4)</p>		X	X			

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The right of access/disclosure does not require a business to retain personal information for a single, one-time transaction, if there is no sale or retention of such data, or reidentification or linking of information that is not considered to be personal information	<p>1798.100(e): Section 1798.100 shall not require a business to retain any personal information collected for a single, one-time transaction, if such information is not sold or retained by the business or to reidentify or otherwise link information that is not maintained in a manner that would be considered personal information.</p> <p>1798.110(d): Section 1798.110 does not require a business to do the following: (1) Retain any personal information about a consumer collected for a single one-time transaction if, in the ordinary course of business, that information about the consumer is not retained. (2) Reidentify or otherwise link any data that, in the ordinary course of business, is not maintained in a manner that would be considered personal information.</p>	1798.100(e) and 1798.110(d)	X					
The consumer's access/disclosure request must be verifiable	<p>1798.100(c): A business shall provide the information specified in Section 1798.100 (a) to a consumer only upon receipt of a verifiable consumer request.</p> <p>1798.110(b): A business that collects personal information about a consumer shall disclose to the consumer, pursuant to paragraph (3) of subdivision (a) of Section 1798.130, the information specified in subdivision (a) upon receipt of a verifiable consumer request from the consumer.</p> <p>1798.115(b): A business that sells personal information about a consumer, or that discloses a consumer's personal information for a business purpose, shall disclose, pursuant to paragraph (4) of subdivision (a) of Section 1798.130, the information specified in subdivision (a) to the consumer upon receipt of a verifiable consumer request from the consumer.</p>	1798.100(c), 1798.110(b), and 1798.115(b)	X	X	X			
A "verifiable consumer request" requires the business to reasonably verify consumer's identity per regulations to be adopted by the CA Attorney General	<p>1798.1140(y): "Verifiable consumer request" means a request that is made by a consumer, by a consumer on behalf of the consumer's minor child, or by a natural person or a person registered with the Secretary of State, authorized by the consumer to act on the consumer's behalf, and that the business can reasonably verify, pursuant to regulations adopted by the Attorney General pursuant to paragraph (7) of subdivision (a) of Section 1798.185 to be the consumer about whom the business has collected personal information.</p>	1798.140(y)	X					Pending AG regulations for clarification.

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<p>Complete access/disclosure request within forty-five (45 days) (if necessary can be extended for 45 more days, provided notification of such extension is made within the first 45 day period) and do so free of charge</p> <p>Period for personal information to be disclosed is 12-months preceding receipt of verifiable consumer request</p> <p>If provided electronically, the information disclosed shall be "portable" and, if technically feasible, in a readily-useable format to allow transmission to another entity without hindrance (similar to right of portability in GDPR)</p> <p>Disclosure shall be made via consumer's business account, or if no such account, by mail or electronically at consumer's option in readily usable format that makes the data portable for the consumer</p> <p>Consumer cannot be required to create an account to make a verifiable consumer request</p>	<p>1798.100(d): A business that receives a verifiable consumer request from a consumer to access personal information shall promptly take steps to disclose and deliver, free of charge to the consumer, the personal information required by Section 1798.100. The information may be delivered by mail or electronically, and if provided electronically, the information shall be in a portable and, to the extent technically feasible, in a readily useable format that allows the consumer to transmit this information to another entity without hindrance. A business may provide personal information to a consumer at any time, but shall not be required to provide personal information to a consumer more than twice in a 12-month period.</p> <p>1798.130(a)(2): A business shall, in a form that is reasonably accessible to consumers disclose and deliver the required information to a consumer free of charge within 45 days of receiving a verifiable consumer request from the consumer. The business shall promptly take steps to determine whether the request is a verifiable consumer request, but this shall not extend the business's duty to disclose and deliver the information within 45 days of receipt of the consumer's request. The time period to provide the required information may be extended once by an additional 45 days when reasonably necessary, provided the consumer is provided notice of the extension within the first 45-day period. The disclosure shall cover the 12-month period preceding the business's receipt of the verifiable consumer request and shall be made in writing and delivered through the consumer's account with the business, if the consumer maintains an account with the business, or by mail or electronically at the consumer's option if the consumer does not maintain an account with the business, in a readily useable format that allows the consumer to transmit this information from one entity to another entity without hindrance. The business shall not require the consumer to create an account with the business in order to make a verifiable consumer request.</p>	1798.100(d) and 1798.130(a)(2)	X	X	X			
<p>Possible right to extend time period to ninety (90) days (See notes)</p>	<p>1798.145(g)(1): Notwithstanding a business's obligations to respond to and honor consumer rights requests pursuant to this title: (1) A time period for a business to respond to any verified consumer request may be extended by up to 90 additional days where necessary, taking into account the complexity and number of the requests. The business shall inform the consumer of any such extension within 45 days of receipt of the request, together with the reasons for the delay</p>	1798.145(g)(1)	X					Appears that the business must notify the consumer of both the 45 day extension and the additional 90 day extension within the initial 45 day response period. Contrast the 45 day extension period in 1798.130(a)(2), provided you tell the individual within the first 45 days, and 1798.145(g)(1), which allows an extension of an additional 90 days provided you tell the individual within the first 45 days.
<p>If business decides not to act on access/disclosure request, it should disclose this decision to the consumer</p>	<p>1798.145(g)(2): If the business does not take action on the request of the consumer, the business shall inform the consumer, without delay and at the latest within the time period permitted of response by this section, of the reasons for not taking action and any rights the consumer may have to appeal the decision to the business.</p>	1798.145(g)(2)	X	X	X			

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No fee can be charged for access/disclosure unless request is unfounded or excessive	1798.145(g)(3): (3) If requests from a consumer are manifestly unfounded or excessive, in particular because of their repetitive character, a business may either charge a reasonable fee, taking into account the administrative costs of providing the information or communication or taking the action requested, or refuse to act on the request and notify the consumer of the reason for refusing the request. The business shall bear the burden of demonstrating that any verified consumer request is manifestly unfounded or excessive.	1798.145(g)(3)	X					
Personal information collected for verification purposes can only be used for that purpose	1798.130(a)(7): A business shall use any personal information collected from the consumer in connection with the business's verification of the consumer's request solely for the purposes of verification.	1798.130(a)(7)	X	X	X			
Business must comply with access/disclosure requests no more than twice in a 12-month period	1798.130(b): A business is not obligated to provide the information required by Sections 1798.110 and 1798.115 to the same consumer more than twice in a 12-month period.	1798.130(b)	X	X	X			
Categories of personal information disclosed must follow definition of personal information	1798.130(c): The categories of personal information required to be disclosed pursuant to Sections 1798.110 and 1798.115 shall follow the definition of personal information in Section 1798.140.	1798.130(c)	X	X	X			

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DELETION OBLIGATIONS								
Consumer can request deletion of personal information collected from the consumer by the business	1798.105(a): A consumer shall have the right to request that a business delete any personal information about the consumer which the business has collected from the consumer.	1798.105(a)	X					Note (i) deletion can be for some or all of the PI; and (ii) the obligation to delete relates to "any personal information about the consumer which the business has collected from the consumer."
Exceptions to deletion obligation include where necessary to: complete the transaction/performance of the contract; security purposes; debugging; free speech; comply with CECPA; research in public interest; consumer expected internal uses; a legal obligation; and lawful & compatible internal uses	1798.105(d): A business or a service provider shall not be required to comply with a consumer's request to delete the consumer's personal information if it is necessary for the business or service provider to maintain the consumer's personal information in order to: (1) Complete the transaction for which the personal information was collected, provide a good or service requested by the consumer, or reasonably anticipated within the context of a business's ongoing business relationship with the consumer, or otherwise perform a contract between the business and the consumer. (2) Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity. (3) Debug to identify and repair errors that impair existing intended functionality. (4) Exercise free speech, ensure the right of another consumer to exercise his or her right of free speech, or exercise another right provided for by law. (5) Comply with the California Electronic Communications Privacy Act... (6) Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the businesses' deletion of the information is likely to render impossible or seriously impair the achievement of such research, if the consumer has provided informed consent. (7) To enable solely internal uses that are reasonably aligned with the expectations of the consumer based on the consumer's relationship with the business. (8) Comply with a legal obligation. (9) Otherwise use the consumer's personal information, internally, in a lawful manner that is compatible with the context in which the consumer provided the information.	1798.105(d)	X			X		The business is <u>not</u> obligated to delete personal information in its possession when such information is no longer necessary for the purpose for which it was obtained, <u>absent a valid deletion request</u> . The obligation to delete information that is no longer necessary is a GDPR requirement that is not reflected in the CCPA.
Deletion obligation is triggered by a 'verifiable consumer request'	1798.105(c): A business that receives a verifiable consumer request from a consumer to delete the consumer's personal information pursuant to subdivision (a) of this section shall delete the consumer's personal information from its records and direct any service providers to delete the consumer's personal information from their records.	1798.105(c)	X					
A verifiable consumer request requires the business to reasonably verify consumer's identity per regulations to be adopted by the CA Attorney General	1798.140(y): "Verifiable consumer request" means a request that is made by a consumer, by a consumer on behalf of the consumer's minor child, or by a natural person or a person registered with the Secretary of State, authorized by the consumer to act on the consumer's behalf, and that the business can reasonably verify, pursuant to regulations adopted by the Attorney General pursuant to paragraph (7) of subdivision (a) of Section 1798.185 to be the consumer about whom the business has collected personal information.	1798.140(y)	X					Pending AG regulations for clarification.

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Complete deletion within forty-five (45 days) (if necessary can be extended for 45 more days, provided notification of such extension is made within the first 45 day period) and do so free of charge	1798.130(a)(2): In order to comply with Sections ... 1798.105,... a business shall, in a form that is reasonably accessible to consumers: (2) Disclose and deliver the required information to a consumer free of charge within 45 days of receiving a verifiable consumer request from the consumer. The business shall promptly take steps to determine whether the request is a verifiable consumer request, but this shall not extend the business's duty to disclose and deliver the information within 45 days of receipt of the consumer's request. The time period to provide the required information may be extended once by an additional 45 days when reasonably necessary, provided the consumer is provided notice of the extension within the first 45-day period. ...The business shall not require the consumer to create an account with the business in order to make a verifiable consumer request.*	1798.130(a)(2)	X					Note the relevant subsection states the business must 'disclose and deliver' within the 45 day period... Yet there is nothing to disclose or deliver with deletion requests. But given that 1798.130(a) starts with "In order to comply with Sections ... 1798.105 (deletion obligation), [...]" it's reasonable to assume that the 45 day period attaches to deletion as well. The alternative is there is not a defined time period for deletion, which is likely not the intent; it's doubtful they want immediate deletion. See next section.
Possible right to extend time period to ninety (90) days (See notes)	1798.145(g)(1): Notwithstanding a business's obligations to respond to and honor consumer rights requests pursuant to this title: (1) A time period for a business to respond to any verified consumer request may be extended by up to 90 additional days where necessary, taking into account the complexity and number of the requests. The business shall inform the consumer of any such extension within 45 days of receipt of the request, together with the reasons for the delay.	1798.145(g)(1)	X					Appears that the business must notify the consumer of both the 45 day extension and the additional 90 day extension within the initial 45 day response period. Contrast the 45 day extension period in 1798.130(a)(2), provided you tell the individual within the first 45 days, and 1798.145(g)(1), which allows an extension of an additional 90 days provided you tell the individual within the first 45 days.
Personal information collected for verification purposes can only be used for that purpose	1798.130(a)(7): A business shall use any personal information collected from the consumer in connection with the business's verification of the consumer's request solely for the purposes of verification.	1798.130(a)(7)	X	X	X			
If business decides not to delete information, it should disclose this decision to the consumer	1798.145(g)(2): If the business does not take action on the request of the consumer, the business shall inform the consumer, without delay and at the latest within the time period permitted of response by this section, of the reasons for not taking action and any rights the consumer may have to appeal the decision to the business.	1798.145(g)(2)	X					
No fee can be charged to delete unless request is unfounded or excessive	1798.145(g)(3): (3) If requests from a consumer are manifestly unfounded or excessive, in particular because of their repetitive character, a business may either charge a reasonable fee, taking into account the administrative costs of providing the information or communication or taking the action requested, or refuse to act on the request and notify the consumer of the reason for refusing the request. The business shall bear the burden of demonstrating that any verified consumer request is manifestly unfounded or excessive.	1798.145(g)(3)	X					
Business must direct its service providers to delete as well	1798.105(c): (c) A business that receives a verifiable consumer request from a consumer to delete the consumer's personal information pursuant to subdivision (a) of this section shall delete the consumer's personal information from its records and direct any service providers to delete the consumer's personal information from their records.	1798.105(c)	X					Appears that there is no deadline to notify the service provider and no deadline for service provider to do so and no liability on business if service provider fails to do so.

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Service provider must delete if business so directs	If directed to do so by the Business, Service Provider must delete the Personal Information (see notes).	See notes				X		This is not specifically stated in the CCPA- stated in the negative in 1798.105(d) above (i.e., a business or service provider shall not be required to comply with deletion request if it is necessary for the business or service provider to maintain the consumer's personal information for certain listed reasons; also, assume there will be a contract in place that would require same) Contracts with service providers should require SP to delete upon request and confirm in writing, with audit rights.
Generally, no liability for business or service provider if the other does not delete	1798.145(h): A business that discloses personal information to a service provider shall not be liable under this title if the service provider receiving the personal information uses it in violation of the restrictions set forth in the title, provided that, at the time of disclosing the personal information, the business does not have actual knowledge, or reason to believe, that the service provider intends to commit such a violation. A service provider shall likewise not be liable under this title for the obligations of a business for which it provides services as set forth in this title.	1798.145(h)	X			X		
MISCELLANEOUS OBLIGATIONS								
1. Opt-in/Opt-out of a Sale by a Business								
A. Consumers of all ages have the right to opt-out of a sale at any time by directing a business to not sell their personal information to third parties	1798.120(a): 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.	1798.120(a)		X				
Another person may be authorized by a consumer to exercise her right to opt-out and a business must comply - More regulation to come from the California Attorney General	1798.135(c): A consumer may authorize another person solely to opt-out of the sale of the consumer's personal information on the consumer's behalf, and a business shall comply with an opt-out request received from a person authorized by the consumer to act on the consumer's behalf, pursuant to regulations adopted by the Attorney General.	1798.135(c)		X				
A business must train all employees or other individuals responsible for handling consumer inquiries about the consumers' opt-out right and how to exercise it	1798.135(a): A business that is required to comply with Section 1798.120 shall, in a form that is reasonably accessible to consumers: (3) Ensure that all individuals responsible for handling consumer inquiries about the business's privacy practices or the business's compliance with this title are informed of all requirements in Section 1798.120 and this section and how to direct consumers to exercise their rights under those sections.	1798.135(a)(3)		X				
A third party cannot sell personal information that was sold to it about a consumer unless the consumer has received explicit notice and is provided an opportunity to exercise the right to opt-out pursuant to the above	1798.115(d): A third party shall not sell personal information about a consumer that has been sold to the third party by a business unless the consumer has received explicit notice and is provided an opportunity to exercise the right to opt-out pursuant to Section 1798.120.						X	

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B. A parent or legal guardian of a consumers under 13 years old must affirmatively opt in to the sale of the minor's personal information to third parties	1798.120(c): Notwithstanding subdivision (a), a business shall not sell 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."	1798.120(c)		X				
A business must have actual knowledge of the age of the consumer or does not show willful disregard to the consumers' age	1798.120(c) above							
C. Once a consumer exercises her right to opt-out or, in case of a consumer under 13 years old, a parent or legal guardian has not opted-in to such sale:								
A business is prohibited and must refrain from selling personal information of consumers who exercise their right to opt-out	1798.120(d): A business that has received direction from a consumer not to sell the consumer's personal information or, in the case of a minor consumer's personal information has not received consent to sell the minor consumer's personal information shall be prohibited, pursuant to paragraph (4) of subdivision (a) of Section 1798.135, from selling the consumer's personal information after its receipt of the consumer's direction, unless the consumer subsequently provides express authorization for the sale of the consumer's personal information. 1798.135(a): A business that is required to comply with Section 1798.120 shall, in a form that is reasonably accessible to consumers: ... (4) For consumers who exercise their right to opt-out of the sale of their personal information, refrain from selling personal information collected by the business about the consumer.	1798.120(d) and 1798.135(a)(4)		X				
A business must respect a consumer's decision to opt-out for at least 12 months before requesting again that the consumer authorize the sale of her personal information	1798.135(a): A business that is required to comply with Section 1798.120 shall, in a form that is reasonably accessible to consumers: (5) For a consumer who has opted-out of the sale of the consumer's personal information, respect the consumer's decision to opt-out for at least 12 months before requesting that the consumer authorize the sale of the consumer's personal information.	1798.135(a)(5)		X				
A business must only use the consumer's personal information in connection with the submission of the consumers' opt-out solely for the purposes of complying with the opt-out request	1798.135(a): A business that is required to comply with Section 1798.120 shall, in a form that is reasonably accessible to consumers: (6) Use any personal information collected from the consumer in connection with the submission of the consumer's opt-out request solely for the purposes of complying with the opt-out request.	1798.135(a)(6)		X				

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2. Refrain from discrimination and ability to offer different price, quality, or service								
Consumers have a right to equal service, prohibiting discrimination against consumers who exercise their rights under the CCPA.	1798.125(a)(1): A business shall not discriminate against a consumer because the consumer exercised any of the consumer's rights under this title, including, but not limited to, by:....	1798.125(a)(1)	X	X	X			
A business is prohibited from: • denying goods or services to those consumers • charging them different prices or rates, including through use of discounts or other benefits • providing them with a different level or quality of service • suggesting that they will receive a different level or quality of service	1798.125(a)(1): A business shall not discriminate against a consumer because the consumer exercised any of the consumer's rights under this title, including, but not limited to, by: (A) Denying goods or services to the consumer. (B) Charging different prices or rates for goods or services, including through the use of discounts or other benefits or imposing penalties. (C) Providing a different level or quality of goods or services to the consumer. (D) Suggesting that the consumer will receive a different price or rate for goods or services or a different level or quality of goods or services.	1798.125(a)(1)(A) to (D)	X	X	X			
HOWEVER, a business is permitted to impose some price, quality or service differences, or make financial incentive offer (including payments) if those actions: • directly or reasonably relate to the value of the consumers' data • do not result in unjust, unreasonable, coercive, or usurious financial incentive practices; and • business making financial incentive offers must also: (1) notify the consumer of the program's material terms, (2) inform the consumer that she may revoke her consent at any time, and (3) obtain the consumer's prior opt-in consent	1798.125(a)(2): Nothing in this subdivision prohibits a business from charging a consumer a different price or rate, or from providing a different level or quality of goods or services to the consumer, if that difference is reasonably related to the value provided to the consumer by the consumer's data. 1798.125(b)(1): A business may offer financial incentives, including payments to consumers as compensation, for the collection of personal information, the sale of personal information, or the deletion of personal information. A business may also offer a different price, rate, level, or quality of goods or services to the consumer if that price or difference is directly related to the value provided to the consumer by the consumer's data. (2) A business that offers any financial incentives pursuant to subdivision (a), shall notify consumers of the financial incentives pursuant to Section 1798.135. (3) A business may enter a consumer into a financial incentive program only if the consumer gives the business prior opt-in consent pursuant to Section 1798.135 which clearly describes the material terms of the financial incentive program, and which may be revoked by the consumer at any time. (4) A business shall not use financial incentive practices that are unjust, unreasonable, coercive, or usurious in nature.	1798.125(a)(2), (b)(1) to (4)	X	X	X			The somewhat contradictory statutory language creates tension between the prohibition on discrimination and permitted pricing differentials. It remains unclear how these permitted pricing differentials will work in practice.

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3. Prohibition on waiver or limit of consumers' rights									
No entity can enter into a contract or agreement that limits consumers' rights under the CCPA. This includes privacy policies with consumers or agreements with other entities.	1798.192: Any provision of a contract or agreement of any kind that purports to waive or limit in any way a consumer's rights under this title, including, but not limited to, any right to a remedy or means of enforcement, shall be deemed contrary to public policy and shall be void and unenforceable. This section shall not prevent a consumer from declining to request information from a business, declining to opt-out of a business's sale of the consumer's personal information, or authorizing a business to sell the consumer's personal information after previously opting out.	1798.192	X	X	X	X	X		
4. Data Security Requirements									
The CCPA does not directly impose data security requirements. It however establishes a private right of action for certain data breaches that result from violations of a business's duty to implement and maintain reasonable security practices and procedures that are appropriate to the nature of the personal information	1798.150(a)(1): Any consumer whose nonencrypted or nonredacted personal information, as defined in subparagraph (A) of paragraph (1) of subdivision (d) of Section 1798.81.5, is subject to an unauthorized access and exfiltration, theft, or disclosure as a result of the business's violation of the duty to implement and maintain reasonable security procedures and practices appropriate to the nature of the information to protect the personal information may institute a civil action for any of the following: (A) To recover damages in an amount not less than one hundred dollars (\$100) and not greater than seven hundred and fifty (\$750) per consumer per incident or actual damages, whichever is greater. (B) Injunctive or declaratory relief. (C) Any other relief the court deems proper. (2) In assessing the amount of statutory damages, the court shall consider any one or more of the relevant circumstances presented by any of the parties to the case, including, but not limited to, the nature and seriousness of the misconduct, the number of violations, the persistence of the misconduct, the length of time over which the misconduct occurred, the willfulness of the defendant's misconduct, and the defendant's assets, liabilities, and net worth. (b) Actions pursuant to this section may be brought by a consumer if, prior to initiating any action against a business for statutory damages on an individual or class-wide basis, a consumer provides a business 30 days' written notice identifying the specific provisions of this title the consumer alleges have been or are being violated. In the event a cure is possible, if within the 30 days the business actually cures the noticed violation and provides the consumer an express written statement that the violations have been cured and that no further violations shall occur, no action for individual statutory damages or class-wide statutory damages may be initiated against the business. No notice shall be required prior to an individual consumer initiating an action solely for actual pecuniary damages suffered as a result of the alleged violations of this title. If a business continues to violate this title in breach of the express written statement provided to the consumer under this section, the consumer may initiate an action against the business to enforce the written statement and may pursue statutory damages for each breach of the express written statement, as well as any other violation of the title that postdates the written statement. (c) The cause of action established by this section shall apply only to violations as defined in subdivision (a) and shall not be based on violations of any other section of this title. Nothing in this title shall be interpreted to serve as the basis for a private right of action under any other law. This shall not be construed to relieve any party from any duties or obligations imposed under other law or the United States or California Constitution.	1798.150(a)(1)	X	X	X	X	X		

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5. Deidentified information								
Definition (see cell to the right)	<p>1798.140(h): "Deidentified" means information that cannot reasonably identify, relate to, describe, be capable of being associated with, or be linked, directly or indirectly, to a particular consumer, provided that a business that uses deidentified information:</p> <p>(1) Has implemented technical safeguards that prohibit reidentification of the consumer to whom the information may pertain. (2) Has implemented business processes that specifically prohibit reidentification of the information. (3) Has implemented business processes to prevent inadvertent release of deidentified information. (4) Makes no attempt to reidentify the information.</p>	1798.140(h)						
The term "deidentification" is found in:								
The definition of aggregate consumer information (§ 1798.140(a))	<p>1798.140(a): "Aggregate consumer information" means information that relates to a group or category of consumers, from which individual consumer identities have been removed, that is not linked or reasonably linkable to any consumer or household, including via a device. "Aggregate consumer information" does not mean one or more individual consumer records that have been de identified.</p>	1798.140(a)						
The definition of publicly available information (§ 1798.140(o)(2))	<p>1798.140(o)(2): "Personal information" does not include publicly available information. For these purposes, "publicly available" means information that is lawfully made available from federal, state, or local government records, if any conditions associated with such information. "Publicly available" does not mean biometric information collected by a business about a consumer without the consumer's knowledge. Information is not "publicly available" if that data is used for a purpose that is not compatible with the purpose for which the data is maintained and made available in the government records or for which it is publicly maintained. "Publicly available" does not include consumer information that is deidentified or aggregate consumer information.</p>	1798.140(o)(2)						
The definition of research (§ 1798.140(s)(2))	<p>1798.140(s): "Research" means scientific, systematic study and observation, including basic research or applied research that is in the public interest and that adheres to all other applicable ethics and privacy laws or studies conducted in the public interest in the area of public health. Research with personal information that may have been collected from a consumer in the course of the consumer's interactions with a business's service or device for other purposes shall be: (2) Subsequently pseudonymized and deidentified, or deidentified and in the aggregate, such that the information cannot reasonably identify, relate to, describe, be capable of being associated with, or be linked, directly or indirectly, to a particular consumer....(5) Made subject to business processes to prevent inadvertent release of deidentified information.</p>	1798.140(s)(2)						

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Subsection 1798.145(a)(5), where the statute states that nothing in the CCPA should restrict a business's ability to "collect, use, retain, sell, or disclose consumer information that is deidentified or in the aggregate"	1798.145(a): The obligations imposed on businesses by this title shall not restrict a business's ability to: ... (5) Collect, use, retain, sell, or disclose consumer information that is deidentified or in the aggregate consumer information.	1798.145(a)(5)	X	X	X		X	Although the definition of "Deidentified" references "business," it is unclear whether a service provider or third party which receives personal information can deidentified the information and, by doing so, exclude it from the scope of the CCPA. A "business" can instruct its service provider to deidentify the personal information and then give it back to the "business" and allow the service provider to use it for its own purposes as the data is no longer "personal information."
6. Aggregate consumer information								
Definition (see cell to the right)	1798.140(a): "Aggregate consumer information" means information that relates to a group or category of consumers, from which individual consumer identities have been removed, that is not linked or reasonably linkable to any consumer or household, including via a device. "Aggregate consumer information" does not mean one or more individual consumer records that have been deidentified.	1798.140(a)						
The term "aggregate" and "aggregate consumer information" is found in:								
The definition of publicly available information (see cell to the right)	1798.140(o)(2): "Personal information" does not include publicly available information. For these purposes, "publicly available" means information that is lawfully made available from federal, state, or local government records, if any conditions associated with such information. "Publicly available" does not mean biometric information collected by a business about a consumer without the consumer's knowledge. Information is not "publicly available" if that data is used for a purpose that is not compatible with the purpose for which the data is maintained and made available in the government records or for which it is publicly maintained. "Publicly available" does not include consumer information that is deidentified or aggregate consumer information .	1798.140(o)(2)						
The definition of research (see cell to the right)	1798.140(s)(2): "Research" means scientific, systematic study and observation, including basic research or applied research that is in the public interest and that adheres to all other applicable ethics and privacy laws or studies conducted in the public interest in the area of public health. Research with personal information that may have been collected from a consumer in the course of the consumer's interactions with a business's service or device for other purposes shall be: (2) Subsequently pseudonymized and deidentified, or deidentified and in the aggregate , such that the information cannot reasonably identify, relate to, describe, be capable of being associated with, or be linked, directly or indirectly, to a particular consumer.	1798.140(s)(2)						

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Subsection 1798.145(a)(5), where the statute states that nothing in the CCPA should restrict a business's ability to "collect, use, retain, sell, or disclose consumer information that is deidentified or in the aggregate"	1798.145(a): The obligations imposed on businesses by this title shall not restrict a business's ability to: ... (5) Collect, use, retain, sell, or disclose consumer information that is deidentified or in the aggregate consumer information.	1798.145(a)(5)	X	X	X		X	Although the definition of "aggregate consumer information" references "business," it is unclear whether a service provider or third party which receives personal information can aggregate the information and, by doing so, benefit from section 1798.145(a)(5). A "business" can instruct its service provider to aggregate the personal information and then give it back to the "business" and allow the service provider to use it for its own purposes as the data is no longer "personal information."
7. Pseudonymised information								
Definition (see cell to the right)	1798.140(r): "Pseudonymize" or "Pseudonymization" means the processing of personal information in a manner that renders the personal information no longer attributable to a specific consumer without the use of additional information, provided that the additional information is kept separately and is subject to technical and organizational measures to ensure that the personal information is not attributed to an identified or identifiable consumer.	1798.140(r)						
The term "pseudonymized," "pseudonymization," and "pseudonym" are found in:								
The definition of research (see cell to the right)	1798.140(s)(2): "Research" means scientific, systematic study and observation, including basic research or applied research that is in the public interest and that adheres to all other applicable ethics and privacy laws or studies conducted in the public interest in the area of public health. Research with personal information that may have been collected from a consumer in the course of the consumer's interactions with a business's service or device for other purposes shall be: ... (2) Subsequently pseudonymized and deidentified, or deidentified and in the aggregate, such that the information cannot reasonably identify, relate to, describe, be capable of being associated with, or be linked, directly or indirectly, to a particular consumer.	1798.140(s)(2)						
Subsection 1798.140(x), where the definition of unique identifier includes a "unique pseudonym" that "can be used to recognize a consumer" Pseudonym here is used as a noun, whereas in the definition of research and its own definition section, pseudonymize/ation is an adjective that describe a process, so the term's appearance in § 1798.140(x) is likely intended to be a different concept from that referred to in the definition subsection (§ 1798.140(r)) or research subsection	Subsection 1798.140(x): "Unique identifier" or "Unique personal identifier" means a persistent identifier that can be used to recognize a consumer, a family, or a device that is linked to a consumer or family, over time and across different services, including, but not limited to, a device identifier; an Internet Protocol address; cookies, beacons, pixel tags, mobile ad identifiers, or similar technology; customer number, unique pseudonym , or user alias; telephone numbers, or other forms of persistent or probabilistic identifiers that can be used to identify a particular 1798.140 consumer or device. For purposes of this subdivision, "family" means a custodial parent or guardian and any minor children over which the parent or guardian has custody.	1798.140(x)						Unique identifier can be pseudonymized information. Note however that, from a practical point of view, unique identifier should be considered personal information.