



FIRST CA ATTORNEY GENERAL CCPA ENFORCEMENT ACTION

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The California Attorney General Rob Bonta announced a settlement with Sephora, Inc. involving certain alleged California Consumer Privacy Act ("CCPA") violations.

The complaint against Sephora alleged that Sephora did not properly process certain consumer opt out requests, did not disclose to consumers that their personal information was being sold and failed to clearly and conspicuously post a "Do Not Sell My Personal Information" link in violation of the CCPA.

According to the complaint, Sephora also allegedly allowed third parties tracking software to create profiles on their customers in violation of the CCPA through the collection of the brand of customers' computers, what customers placed in their "shopping cart" and even customers' precise locations, among other information.

Under the settlement, Sephora is required to provide notice to consumers of the sale of their personal information and to process certain consumer opt out requests. Sephora has 180 days from the effective date of the settlement to comply with its terms and must enact a program to assess and monitor the effectiveness of certain required remedial measures. Sephora is also subject to a monetary penalty of \$1.2 million.

Along with the Sephora settlement, the California Attorney General released 13 new CCPA enforcement case examples. The new examples provide scenarios of businesses in violation of the CCPA along with example remedial measures. The new examples focus on several compliance areas including whether California consumers can properly exercise their rights under the CCPA and whether proper notices were provided pursuant to the CCPA. These new examples show what violations the California Attorney General is looking for and what steps a business can take to remedy possible violations.

This settlement marks the first public CCPA enforcement action. As indicated in the complaint, the California Attorney General's Office is actively testing company websites to determine if they comply with California law. It is important to consider self-auditing and testing of privacy policies and procedures to ensure they function in accordance with applicable California law. □

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