



February 13, 2024

## STAY OF ENFORCEMENT OF CCPA REGULATIONS LIFTED

On February 9, 2024, the California Court of Appeal reversed a trial court judgment that had stayed enforcement of the most recent California Consumer Privacy Act (CCPA) regulations. The decision makes the CCPA regulations that had previously been stayed by court order until March 29, 2024 become immediately effective. The regulations implement the California Privacy Rights Act of 2020 ("CPRA"), passed in 2020 and effective January 1, 2023.

After the ruling, the Privacy Protection Agency that enforces the CCPA and regulations issued a statement reading "This ruling ensures all aspects of the regulations adopted by the California Privacy Protection Agency last year are again enforceable." The fact that the CPRA became effective on January 1, 2023, but the regulations implementing the CPRA were stayed for enforcement purposes until March 29, 2024 under the prior court decision had created uncertainty in regard to compliance obligations under the CPRA.

The CCPA regulations at issue were finalized in March 2023 with an original enforcement date of July 1, 2023. The lower court ruled that there should be a one year delay before enforcement. The Court of Appeal's decision found that the trial court had erred in extending the enforcement timeline, concluding that nothing in the plain text of the CCPA and its regulations or legislative history mandated a one-year delay in enforcement for regulations finalized after July 2022. This decision will impact the enforcement date for future CCPA regulations.

Let us know if you have questions or need assistance determining applicability or updating notices and policies.

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