



## CALIFORNIA LEGISLATIVE SESSION ENDS: FIVE BILLS AMEND THE CCPA

The California legislative session closed Friday, September 13, 2019, and five bills that amend the California Consumer Privacy Act ("CCPA") were passed and presented to the Governor's office for signature. See our prior ALERT dated July 18, 2018. A brief summary of each amendment is described below:

- **AB-25:** Carves out an exemption for certain personal information that is obtained by a business from a natural person who is acting as an applicant, employee, owner, director, officer or contractor of a business to the extent the personal information is used in the specific employment context.
- **AB-874:** Expands the scope of publicly available information that is exempted from the definition of "personal information" to ensure that publicly available information includes information that is lawfully made available from government records.
- **AB-1146:** Creates narrowly tailored exemptions to the consumer's right to delete and to the consumer's right to opt-out of the sale of personal information under the CCPA, so that a new motor vehicle dealer may still retain vehicle and ownership information and share it with a vehicle manufacturer for the limited and narrowly tailored purpose of enabling either warranty work or a manufacturer's recall, pursuant to federal law.
- **AB-1355:** Amends the CCPA to clarify certain language and sections, including the Fair Credit Reporting Act exemption, and revises the definition of "personal information" to exclude deidentified or aggregate consumer information.
- **AB-1564:** Revises the CCPA to specify that a business which operates exclusively online and has a direct relationship with a consumer from whom it collects personal information is only required to provide an email address for submitting certain consumer requests for information required to be disclosed under the CCPA. The bill also requires that if a business maintains an internet website, it must make the internet website available to consumers to submit requests for information required under the CCPA.

The California legislature also passed AB-1202, a bill that creates a new statute that requires a data broker to register with the

California Attorney General and AB-1130, a bill that amends the current data breach notification statute to expand the types of personal information that are covered under the statute to include (i) tax identification numbers, passport numbers, military identification numbers or other unique identification numbers issued on a government document commonly used to verify the identity of a specific individual and (ii) unique biometric data generated from measurements or technical analysis of human body characteristics, such as fingerprint, retina or iris image, used to authenticate a specific individual.

We will continue to track and provide updates on the CCPA. Financial privacy laws are contained in our firm's Marketing and Privacy Digest discussed below. Please let us know if you have any questions. ☐

✧ *Mike Tomkies and Lindsay Valentine*

**LOOKING FOR A MARKETING AND PRIVACY COMPLIANCE RESOURCE?** We publish an easy-to-use reference, our **MARKETING AND PRIVACY DIGEST** that compiles the state laws governing financial privacy, fair credit reporting, telemarketing /automatic dialing and announcing devices, telephone monitoring and recording, electronic signatures and restrictions on the use of social security numbers by financial service providers. Creditors, marketers and servicers should find this resource invaluable to marketing and privacy program development and regulatory compliance. **Contact us for details.**

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