



March 13, 2020

CALIFORNIA ATTORNEY GENERAL RELEASES SECOND SET OF MODIFICATIONS TO PROPOSED CCPA REGULATIONS

CCPA. Please contact us with any questions.

✧ *Mike Tomkies & Lindsay Valentine*

On March 11, 2020, the California Attorney General released a second set of modifications to the proposed California Consumer Privacy Act ("CCPA") regulations in response to comments received regarding the first set of modifications. See our prior ALERT dated February 10, 2020. Among the modifications include the following updates:

- Removal of the clarification of "personal information" subject to the CCPA. The second set of modifications removed the "Guidance Regarding the Interpretation of CCPA Definitions" section that was added in by the first set of modifications. This section provided more clarity on whether information is "personal information" subject to the CCPA. It is unclear why the Attorney General removed this section one month after proposing that it be added in to the proposed regulations.
- Notice at Collection. The second set of modifications added a provision to the notice at collection section that states that a business that does not collect personal information directly from a consumer does not need to provide a notice at collection to the consumer if it does not sell the consumer's personal information.
- Removal of the Opt-Out Button or Logo. The second set of modifications removed the section that requires a business to provide a specific opt-out button or logo in addition to posting the notice of right to opt-out. An example of the opt-out button was provided in the first set of modifications, but now has been removed.
- Privacy Policy. The second set of modifications revised the information that must be included in the privacy policy by requiring that the privacy policy must do the following: (i) identify the categories of sources from which the personal information is collected and (ii) identify the business or commercial purpose for collecting or selling personal information.

Public comments regarding the proposed changes or materials added to the proposed regulations must be submitted by March 27, 2020. We will continue to monitor and provide updates regarding the

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