



May 6, 2020

## CALIFORNIA PRIVACY BALLOT INITIATIVE SECURES OVER 900,000 SIGNATURES

On May 4, 2020, the Californians for Consumer Privacy advocacy group announced that it submitted over 900,000 signatures to qualify the Consumer Privacy Rights Act ("CPRA") for the California November 2020 ballot, a number that greatly exceeds the minimum 623,212 signature requirement.

### CPRA

The purpose and intent of the CPRA initiative is to expand consumer rights protections by amending the current California Consumer Privacy Act ("CCPA"). See our prior ALERT of September 26, 2019. Among the amendments introduced in the CPRA is the creation of a California Privacy Protection Agency to be governed by a five-member board for the purpose of enforcing the CCPA and implementing further consumer privacy laws. The CPRA initiative also creates two new substantive consumer rights: (i) the right to correct inaccurate personal information and (ii) the right to limit the use and disclosure of *sensitive* personal information.

If the signatures are verified and the CPRA initiative is qualified for the November 2020 ballot, it will need a simple majority of votes cast in its favor to pass. Although approved measures take effect on the fifth day after the Secretary of State certifies election results, the CPRA specifically provides that civil and administrative enforcement of the provisions of law added or amended by the CPRA will not commence until July 1, 2023.

### CCPA

The CCPA went into effect on January 1, 2020, but the regulations that accompany the CCPA have yet to be finalized by the California Attorney General. Many businesses are worried that they will not be able to comply fully by the July 1, 2020 enforcement date as many key employees are currently working-from-home because of the COVID-19 pandemic. The businesses are concerned that they will be unable to build final requirements into current business processes. Despite these concerns, the Attorney General's office has stated that there is no current plan to delay enforcement. See our prior ALERT of March 23, 2020.

As businesses modify their business practices to comply with the current CCPA requirements, they should begin to anticipate the potential expansion of future CCPA requirements, including those

that could be introduced by the CPRA initiative. We will continue to monitor and provide updates regarding the CCPA. We can assist businesses in developing compliance programs that comply with the CCPA requirements. Please let us know if you have any questions.



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