



July 7, 2020

NEW CALIFORNIA PRIVACY INITIATIVE ON BALLOT IN NOVEMBER 2020

The Consumer Privacy Rights Act ("CPRA" a/k/a "CCPA 2.0") will appear on the California November 3, 2020 ballot. The Californians for Consumer Privacy advocacy group behind the measure submitted over 900,000 signatures to be validated by the California Secretary of State, and on June 24, 2020, the Secretary of State announced that enough signatures had been validated through a random signature validation process to make the CPRA eligible. Alistair McTaggart, founder of Californians for Consumer Privacy, announced the new initiative in September 2019.

The new initiative focuses on amending the CCPA in three broad categories: establishing a new California Privacy Protection Agency ("CPPA"), expanding consumer privacy and holding businesses responsible for protecting consumer information. Proposed changes include:

- Defining a new category of "sensitive" personal information;
- Ensuring that consumers know when their information is sold and shared, as well as how long kept information will be stored;
- Implementing limitations and requirements when a business sells or shares consumer data to a third party;
- Clarifying that if a consumer requests that their data be deleted, the business must ensure all third parties are notified that the data must be deleted as well;
- Giving consumers the right to request that a business to correct any inaccurate personal data;
- Giving consumers the right to limit a business' use of "sensitive" personal information;
- Prohibiting retaliation against employee, applicants, or independent contractor's for exercising their rights;
- Requiring specification of the categories of information being collected, in addition to providing that information in an easily understood format for the average consumer;
- Requiring businesses to provide easily accessible links on their websites for consumers to, among other things, opt-out of the sale or sharing of their data or limit the use of the sensitive data; and

- Requiring businesses to submit to the CCPA a risk assessment regarding the processing of personal information.

As previously reported in our Alert of May 4, 2020, the CPRA will need a simple majority of votes to pass and, if passed, enforcement of the CPRA would be delayed until July 1, 2023.

The CPRA will bring California privacy regulation a step closer to the European model. If you need assistance with your marketing and privacy compliance, let us know. We can help! ☐

✧ *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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