

California Consumer Privacy Act

Quick Guide



Who Needs to Comply?

For-profit businesses that collect, sell, or share personal information from California residents and meet any of the following criteria must comply with the law:

\$25 Million

or more in annual revenue

50K+

consumers' personal information is bought, received, sold or shared

50%+

of your annual revenue is from selling personal information

Note: Other organizations are subject to CCPA if they control, or are controlled by, a covered business, or if they share common branding with a covered business, such as a shared name, service mark, or trademark.

What Are the Penalties?



Non-compliance Penalties per Violation:

Up to **\$2,500**
(Unintentional)
or
Up to **\$7,500**
(Intentional)



Civil Limits for PI Data Breach:

\$100 to \$750
or
Actual Damages



Possible Injunction

What Are the Important Dates?



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What Are Consumer Rights Under CCPA?

CCPA details the rights of California residents under the State Constitution in detail with regard to data privacy. These rights are:



Consent

- Consent conditions available before or at consent request
- No forced consent or discrimination
- Consent must be revocable
- Affirmative consent and/or parental consent for minors



Access & Portability

- Right to request:
- What data is being collecting about them
 - How that data will be used
 - With whom that data has been shared, disclosed or sold
 - A machine readable copy of their data



Do Not Sell

- Consumers have the right to opt-out of sales of their data
- Easily identifiable “Do Not Sell” button
- Two or more opt-out options including toll free phone number
- 12-month moratorium for re-consent request



Deletion

- Right to request deletion of their data
- Right to receive an explanation if request is rejected
- Deidentified and aggregated data exempted

What Is Required of Organizations?

Organizations that are subject to CCPA are required to do the following, at a minimum:



Transparency

- Access to terms & conditions before consent and ongoing
- Access to data usage details and sales history
- Rights notification and reminders



Respond to Requests

- Have processes in place to:
- Receive, process, or reject rights requests
 - Verify requestors identity



Minor Protections

- The sale of minors' data requires:
- Affirmative consent for those age 13-15
 - Parental or guardian consent for those age 12 and under



Responsible

- Execution of rights in timely manner
- Notify service providers of deletion requests
- Know all data sources and consent status

The CCPA is here! Expect it to change throughout 2020 and beyond as additional in-state legislation has been proposed and national legislation appears inevitable. Not to mention the rest of the world. Planning and compliance for CCPA and other data privacy laws will require participation across your organization.

This is not legal advice. Consult your legal council to address your unique needs and compliance requirements. As some aspects of the law are clarified or amended our position on these elements is subject to change without notification.

Click here to visit [Marketing IQ Data Privacy Compliance Resources](#)