

RSA[®]Conference2020

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HUMAN
ELEMENT

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The CCPA is Here: What's Changed and What You Need to Know for Compliance



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Agenda

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The CCPA & its Impact on Security and Privacy Professionals

The California Consumer Privacy Act (CCPA)



In effect – January 1, 2020

Enforcement Date – July 1, 2020

Omnibus GDPR-like statute

Enforced by the
California Attorney General

CCPA Consumer Rights



Right to **information** about processing and **to know** details of processing



Right to **delete personal information**



Right to **opt-out of the sale of personal information sale**



Minors' right to **opt-in** to the sale of their personal information



Right to **nondiscrimination** for exercising consumer rights

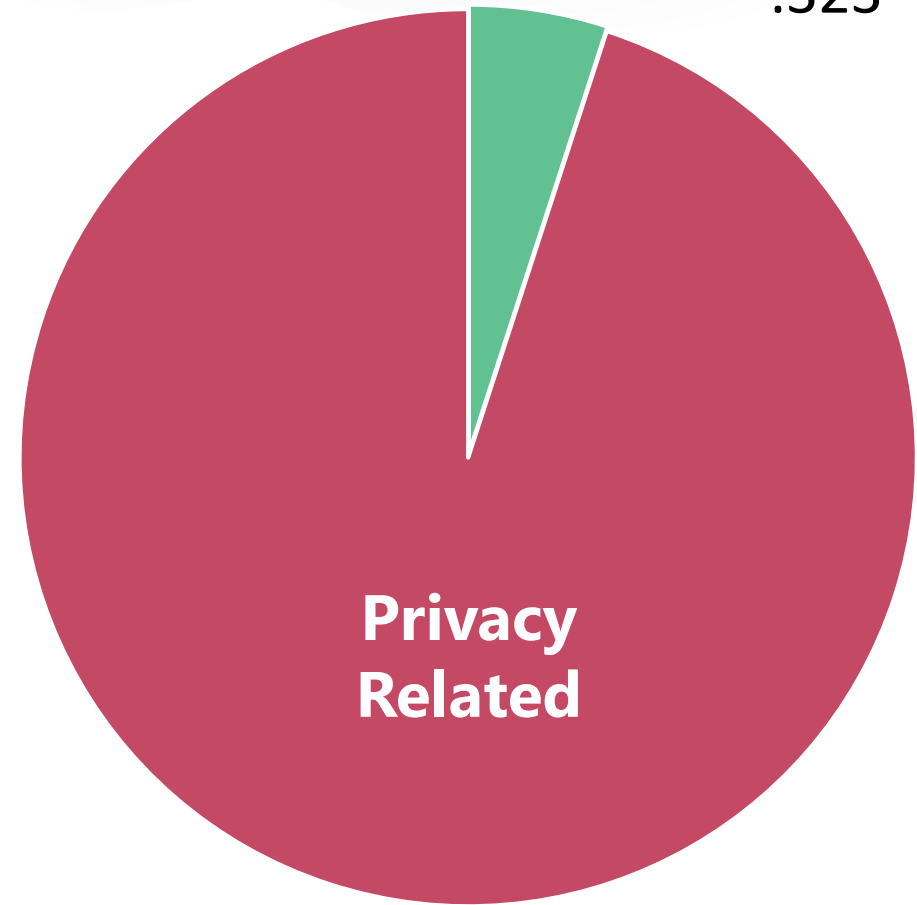


Direct **private right of action** for certain data breaches

CCPA §
1798.150(a)(1)

Modified Regs
§§ 999.313, .317,
.323

Breaking Down CCPA Requirements: Privacy vs Security



■ Security ■ Privacy

What are Reasonable Security Measures?



CCPA Violations

CCPA Violation

Business Notified

30-Day Cure Period

Failure to Cure Violations



Civil Actions

- ✓ Brought by Attorney General
- ✓ Up to \$2500 for each violation
- ✓ Up to \$7500 for each intentional violation

“I will descend on them and make an example of them, to show that if you don’t do it the right way, this is what is going to happen to you.”



California Attorney General Xavier Becerra

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The 2019 CCPA Amendments & their Effects on Compliance

Key CCPA & Related Data Protection Amendments



AB 25
Employee / HR
Exemption



AB 874
Personal
Information



AB 1146
Vehicle
Exemptions



AB 1355
Exemptions,
Differential
Treatment &
Disclosures



AB 1564
Designated
Information
Request Methods



AB 1130
Data Breach
PI Definition



AB 1202
Data Broker
Registration

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**The California Attorney General's
Modified (Proposed) CCPA Regulations**

Modified (Proposed) Regulations Cover 7 Topics:



Clarification of Terms & General Guidance



Notice to Consumers



Handling Consumer Requests



Verification of Requests



Rules Regarding Minors



Non-Discrimination & Financial Incentives



Training/Record Keeping

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Practical CCPA Compliance Steps

5 Practical Compliance Steps

1



CONSUMER
RIGHTS
REQUESTS

2



OPT-OUT OF
ADTECH &
COOKIES

3



INTERNAL
DATA
GOVERNANCE

4



POLICY &
DISCLOSURE
MANAGEMENT

5



ONGOING
CCPA
COMPLIANCE

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The CCPA's Future

What should businesses expect in the near future?



- Regulatory uncertainties between now and the enforcement date: July 1, 2020
- The California AG's enforcement resources and priorities
- Industry compliance frameworks (e.g., IAB, DAA)
- New privacy tools (e.g., user-enabled global privacy controls)
- CCPA 2.0 Ballot Initiative

Cal. AG's CCPA Enforcement Objectives

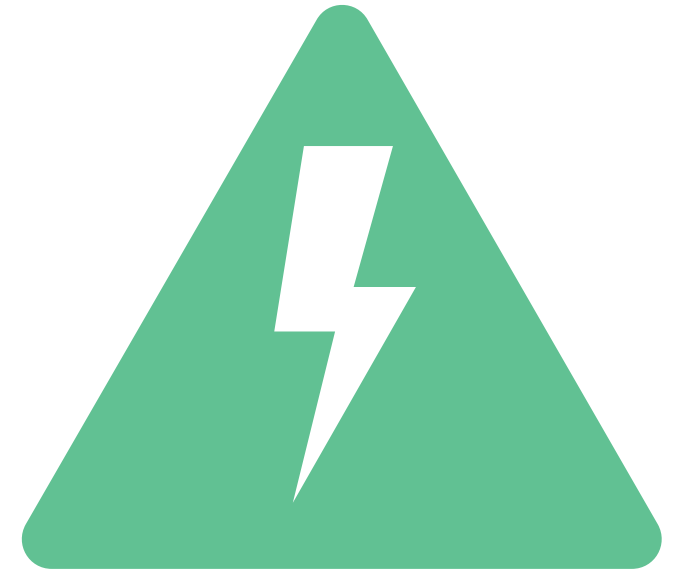
- Help people **understand** the law
- In the first six months, focus on violations involving the “**sensitive, critical data**” of a large number of Californians
- Take “**aggressive, early, decisive enforcement action**” with respect to obtaining **minors’ consent**
- Expect **3 enforcement actions** each year due to **limited budget** and staff



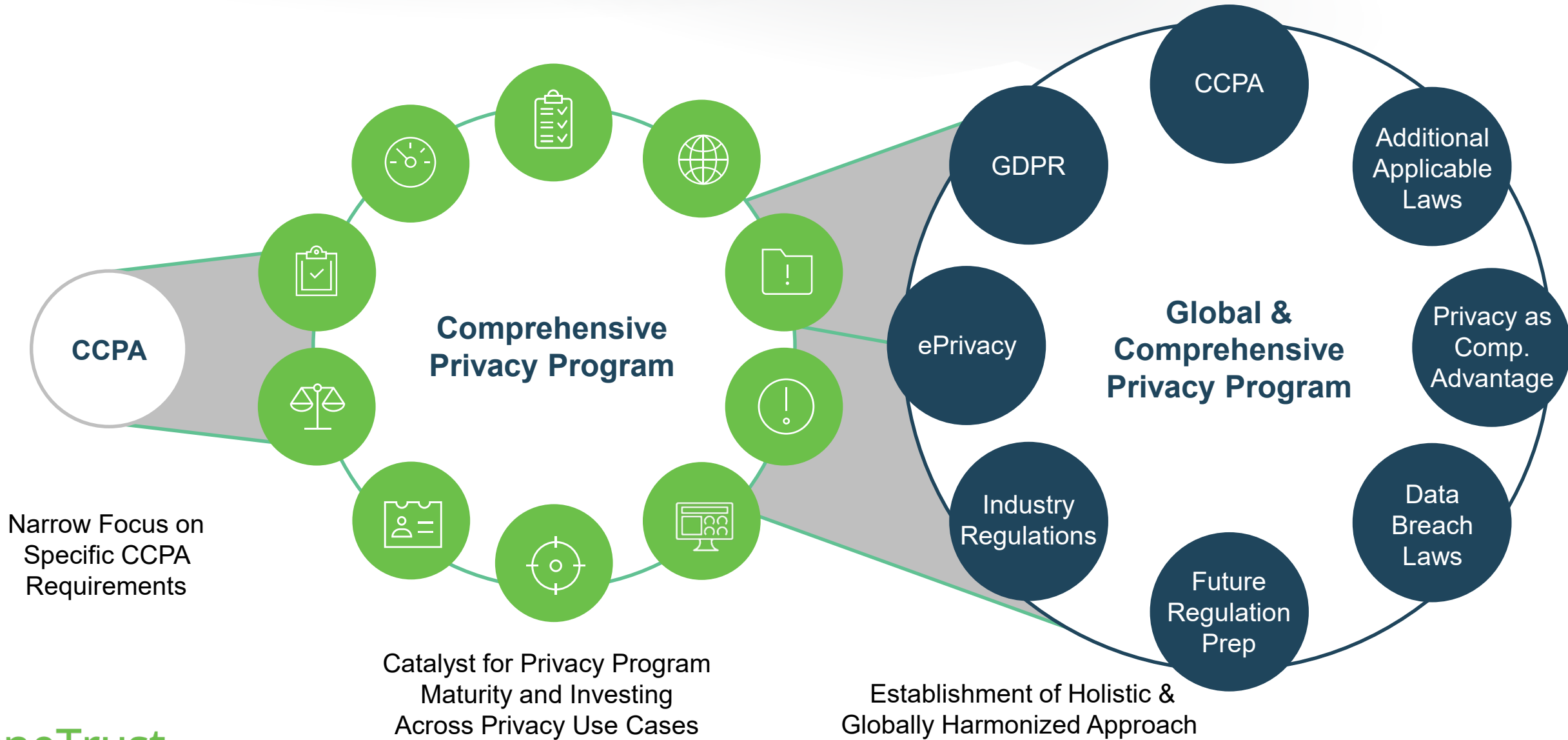
CCPA 2.0 - California Privacy Rights Act 2020 Ballot Initiative

- **Right to correct** inaccurate personal information
- New category of **sensitive personal information** and **right to restrict** use of that information
- **Data minimization** and **Retention limitation**
- Heightened **transparency** requirements
- Increase **fin**es for collecting and selling **children's** private information
- **Right to know** when and how **automated decisions** significantly affect consumers' lives
- Establish the **California Privacy Protection Agency** to enforce the law

**CALIFORNIANS FOR
CONSUMER PRIVACY**



Seizing CCPA is a Privacy Program Opportunity



Apply What You Have Learned Today

- Next week you should:
 - Meet with your legal team to understand business operations and CCPA legal obligations to update your privacy notices and policies accordingly
- If your business must comply with the CCPA, in the first three months following this presentation you should:
 - Track the California Attorney General's Proposed (Modified) regulations
 - Understand how your business operations are evolving with respect to personal information and compliance
- Within six months you should:
 - Determine your CCPA maturity and track your customer rights request progress (if any) to ensure that you are fully compliant by the enforcement date on 1 July 2020
 - Evaluate tools, including privacy management technology to streamline and automate privacy processes across your organization
 - Leverage the CCPA as a privacy program opportunity and evaluate whether other states are proposing privacy legislation

Questions & Answers



Key Takeaways

- Review what security and privacy pros must do to comply with the CCPA now that it's officially law
- Learn about 2019 amendments and Proposed Regulations (as modified) and explore how they impact privacy and security programs
- Takeaway a roadmap and action plan for CCPA compliance

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Thank you!