Your LAST CHANCE to comply with the new California Consumer Privacy Act (CCPA)

Date: 11-02-2020
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If your business collects any personally identifiable information from California residents, you probably already know that California law requires you to conspicuously post a privacy policy that informs users what information you collect, how it is used, and with whom you share their information. With the new California Consumer Privacy Act (CCPA) which went into effect this year, businesses that are subject to the CCPA must now review and revise their privacy policies to notify California residents of their new rights under the CCPA, including:

- the right to access and receive a copy of the personal information a business has collected about them;
- the right to request deletion of personal information that a business has collected about them and to require the business’ service providers to delete such information as well that is in their possession;
- the right to request that a business that sells the California resident’s information provide the categories of personal information collected as well as the categories of third parties to whom the information was sold; and
- the right to opt out of the sale of their personal information.

You should also take note that starting January 1, 2020, under certain circumstances, California residents have the right to take legal action against businesses for the unauthorized access of their personal information in a data breach. However, there is still time to address some facets of compliance with the CCPA: the remainder of the rules and regulations of the CCPA, outside data breach, are enforced by the California Attorney General’s office that is not allowed to bring an enforcement action under the CCPA until July 1, 2020.

We advise you to contact Satya Narayan at SNarayan@rroyselaw.com from our Royse team at the earliest so that we can assist you with the following:

- determine if your business is subject to the CCPA (only a limited scope of businesses dealing with California residents are exempt from the purview of the new law);
- review your business practices and determine in which ways your business is affected by the CCPA (including with respect to the new prohibition on discrimination in terms of price or service when the resident exercises a privacy right under the CCPA);
- revise your privacy policy to include, among other things, the required notices for California residents about their new rights and a notice of the method for residents to exercise these new rights; and
- assist you with developing internal procedures and best practices to comply with California resident’s requests and other changes brought by the CCPA.

Finally, the CCPA also requires that privacy policies are updated once every 12 months and if you haven’t done so, now is the time to prioritize it.

This article was written by Satya Narayan before joining Haynes and Boone.