

IUBENDA

What is CCPA and how do you become compliant?

Philip M. Weiss

Abbie Clement

More than **65,000 clients**
in more than **100 countries** are using
our legal software solutions and direct
support for legal compliance



AGENDA



CCPA: Important
Legal Basics



CCPA Assessment +
Live Demo

Q&A

IUBENDA

What is CCPA and how do you become compliant?

What is the CCPA?

- The California Consumer Privacy Act (CCPA) is California's newest privacy law aimed at enhancing consumer privacy rights for residents of California, United States.
- **The law became effective on January 1st, 2020.**

What is the CCPA? cont.

- It puts in place new requirements for processing personally identifiable information, and grants Consumers additional rights, therefore, it will likely have a significant impact on both business processes and overall liability.

When does the CCPA apply?

- In general, the CCPA applies where BOTH of the following conditions apply:
- **You have a business;** and
- **You target Californian consumers.**

Key CCPA definitions

- **Under the CCPA, a “consumer”** is defined as a natural person who is a California resident
- **Under the scope of the CCPA, a “business”** is defined as a for-profit organization that interacts the personal information of consumers, determines the purposes and method of the processing, **targets Californian residents** (whether or not the business is actually based in California), **and meets at least one of the following requirements:**

Key CCPA definitions cont.

- **it derives 50 percent or more of its annual revenues from selling*** the personal information of consumers; or
- **it buys, receives, sells, or shares the personal information of at least 50,000 consumers** annually; or
- **it has annual gross revenues exceeding twenty-five million dollars (\$25,000,000).**

Key CCPA definitions cont.

- **Under the scope of the CCPA, “personal information”** is defined as “information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household.”

Further CCPA definitions

- **Sale within the context of the CCPA is defined as:**
'selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a consumer's personal information to a third party for any benefit, monetary or not, that the business would not otherwise be legally entitled to.'

CalOPPA versus CCPA

- **CalOPPA has not been repealed by the CCPA and still applies.** This is something to take note of even if the definition of “business” above does not apply to you, as you may still need to comply with CalOPPA, or, both laws may be applicable to you.

Rights of the consumer under the CCPA

- The right to **be informed**
- The right of **access**
- The right to **portability**
- The right to **to be deleted**
- The right to **opt-out** (the right to say no to the sale of their data)
- The right to **opt-in** (prior consent for minors)
- The right to **not be discriminated against** (even if the consumer exercises their privacy rights)

CCPA vs the GDPR (at a glance)

Applicable users' Rights at a glance		
Right to be informed	✓	✓
The right of access	✓	✓
The right to portability	✓	✓
The right to rectification	✗	✓
The right to to be deleted	✓	✓
The right to object	Somewhat covered by the right to opt-out	
		✓

Consequences of non-compliance

- **Consumers have the right to sue* businesses** that violate the law. **The associated fines will be between \$100 and \$750, or any higher amount related to actual damages** (where larger damages can be proven).

*This only applies to the actual businesses themselves and not “service providers” acting on behalf of the business.

Consequences of non-compliance cont.

- **The state can bring charges of up to \$2,500 per violation** for businesses that unintentionally violate the CCPA, and fines of up to \$7,500 per violation, for businesses that commit intentional violations.

Note: While these fines might not seem particularly large in comparison to other privacy laws, do consider that these fines apply per individual violation and per consumer. For a business with even just a few customers, these fines can add up to a hefty sum.

How to comply with the CCPA

- Compliance with the CCPA is, similarly to compliance with other privacy laws, **a multi-faceted process that involves honest review, planning and technical and legal implementation.**

How to comply with the CCPA cont.

- Assess and review
- Make required disclosures
- Honor exercised consumer rights
- Add a DNSMPI link to your website
- Do not discriminate against consumers exercising their rights
- Periodically review your processes

SOLUTION

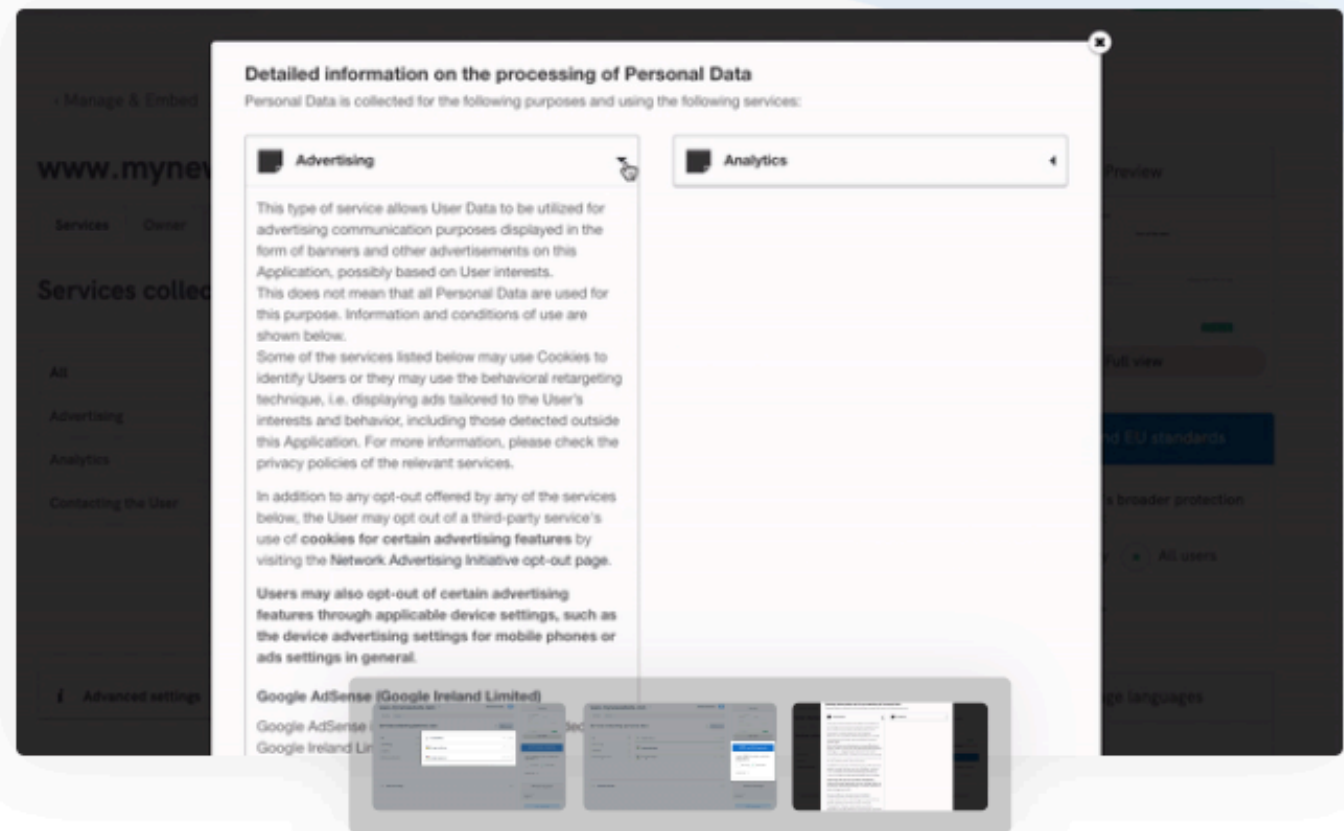


CCPA Compliant Privacy and Cookie Policy Generator

All privacy policies generated with iubenda allow you to be compliant with the CCPA, as they contain the option to easily apply the legal standards defined by the CCPA to Californian users.

Our Solution makes it easy for you to meet enhanced requirements by:

- **Displaying CCPA related language, disclosures, and instructions** as legally required;
- **Indicating services active on your site which might constitute a sale under the CCPA definition** (as legally required); and
- **Automatically updating your embedded privacy policy with the CCPA text** once activated within the generator – no need to re-integrate the code on your site!

[Explore →](#)

SOLUTION



Cookie Solution for CCPA

Notify consumers and manage opt-out.
IAB CCPA Compliance Framework
integrated.

Our solution lets you:



Display a CCPA notice of collection



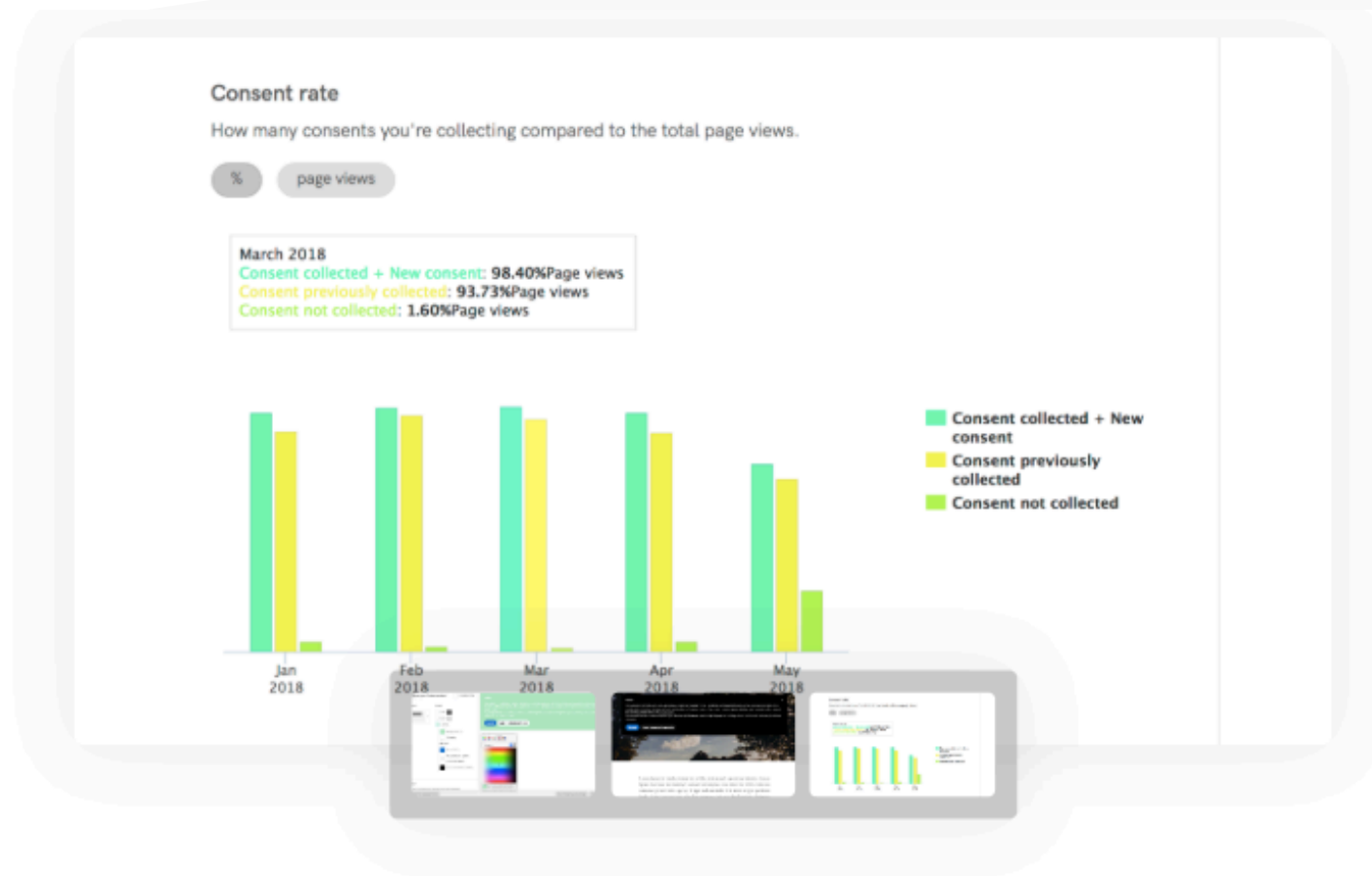
Display a "Do Not Sell My Personal Information" (DNSMPI) link in the notice and elsewhere on your site/app thereby supporting opt-out from sale



Automatically detect and apply the correct standards (including multiple standards) based on location. Our solution allows you to apply both CCPA and GDPR standards to the same users when legally required



Easily register and automatically pass user preferences like opt-out, to ad vendors who support the IAB US Privacy Framework (like Google and AdRoll)





www.iubenda.com - info@iubenda.com

A selection of our clients:

