

Alert | Data, Privacy & Cybersecurity



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Potential CCPA Amendments Gain Traction in the California Legislature

On April 23, 2019, the California Assembly Privacy and Consumer Protection Committee voted to advance several key amendments to the California Consumer Privacy Act (CCPA), which are outlined below. If these amendments pass into law, they would limit the scope of the CCPA. For guidance on CCPA compliance or more information about these bills and other proposed amendments, please contact Greenberg Traurig.

AB 25 – Employment Information Exclusion

This bill seeks to clarify that the definition of “consumer” does not include an employee acting within their scope as an employee. Accordingly, personal information of job applicants, employees, contractors, or agents of the business collected for employment purposes would not be covered by the CCPA.

AB 873 – Narrowing of “Personal Information” Definition

This bill seeks to revise the definition of “Personal Information” (PI) to exempt: (1) information that “identifies, relates to, describes,” or “could be linked” to a “household,” and (2) information that “is capable of being associated with” a consumer.

This bill also seeks to revise the definition of “deidentified information,” which is excluded from PI, to mean information “that does not reasonably identify, or link, directly or indirectly, to a particular consumer,” provided the business does not attempt to reidentify the data and takes “reasonable” steps to keep it deidentified. This is arguably narrower than the previous definition, which included information that could be “capable of being associated with” a consumer.

AB 1564 – Permitting One Method for Consumer Requests

This bill seeks to change the requirement that a business provide two or more designated methods for submitting requests for information. Instead, a business could include either a toll-free telephone number or an email address (and require an email address if a business operates a website).

AB 846 – Customer Loyalty Programs and Other Exceptions to Non-Discrimination Statute

This bill seeks to revise the non-discrimination statute, which prevents a business from offering a different price or quality of goods or services to a consumer in exchange for PI, to provide three exceptions:

- the offering is in connection with a consumer’s voluntary participation in a loyalty, rewards, premium features, discount, or club card program;
- the difference is reasonably related to the value provided by the consumer’s data; or
- the offering is related to a specific good or service whose functionality is reasonably related to the collection, use, or sale of the consumer’s data.

AB 981 – Insurance Information Exclusion

This bill would exempt from the CCPA insurance institutions, agents, and support organizations subject to the Insurance Information and Privacy Protection Act (IIPPA). The bill would also add some CCPA-like provisions (such as notice requirements) to the IIPPA.

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