



WHAT TO KNOW

# CCPA vs. CPRA

*Key components explained*

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## Intro

# Calm before the storm

The California Consumer Privacy Act (CCPA) and the California Privacy Rights Act (CPRA) have many provisions affecting businesses operating in California. **The CPRA is an amendment to the CCPA**, which was approved in November 2020.

The CPRA has technically been in effect since December 16, 2020. However, most of the revisions to the CCPA won't come into force **until January 1, 2023**.

Learn how they compare and how the CPRA will affect your business.



## Application

# Who must comply

The CPRA exempts some small businesses from the CCPA. Previously, under the CCPA, a business that collected data from over 50,000 data users would be subject to the act. Under the CPRA, that number has increased to 100,000.

CPRA also applies to any company with at least half its revenue involving transactions from the sales or sharing of consumers' data or with gross annual revenue of over \$25 million.

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# CPRA: Expanded consumer privacy rights



## Right to access

Businesses need to provide consumers access to their personal and sensitive information that is collected, shared, or sold to third-parties, including the categories of PII and the third parties involved, when requested.

There are no legal obligations for companies to save data for a particular amount of time, so it's hard to say how long the company will retain PII.



## Right to data portability

The CCPA gives users the right to access their data. However, users can now transfer their personal information to different companies under the CPRA.



## Right to delete

The CPRA extends the right to delete, and consumers can request that a business completely delete any data that's been collected from them. Additionally, companies receiving a deletion request must notify any third-parties with whom it has shared consumer data.



## Right to opt-out (Sale and share)

While the CCPA only allows for data subjects to opt-out of data sales, the CPRA gives users the right to opt-out of both the sale and the sharing of their personal information with third parties.



## Right to opt-out for minors

The CCPA prohibits the sale of personal information of California consumers under 16 years without their opt-in consent. The CPRA states that you have to wait for 12 months before requesting consent from a minor who has refused the initial request.

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# CPRA: New consumer privacy rights



## Right to correct data

This right applies when a consumer's data is inaccurate. It allows them to ask for this information to be corrected.



## Right to access information about automated decision making

Data subjects are entitled to request information about automated decision-making processes concerning their data and the likely results of those processes.



## Right to limit use & disclosure of sensitive personal information

A company must, by law, respond to a consumer's requests to limit the use and disclosure of their data.



## Right to opt-out of automated decision making

California residents can also choose to opt-out of automated decision-making technology, such as individual profiling.

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# More changes you should be aware of:

- **30-day cure period abolished**

Organizations won't automatically get a 30-day cure period that allows them the possibility to address violations.

- **Expanded private right of action**

The CCPA gave consumers who have had their unredacted or unencrypted data compromised the right to take legal action against companies. The CPRA has amended this term to cover some personal data like consumers' passwords, email addresses, and security questions, increasing consumer ability to take legal action against companies violating the regulations.

- **Contractual provisions for data shared with third parties**

The CPRA obligates businesses to have a contract with any third party receiving or sharing their customer data.

- **Mandatory audit and security risk assessment**

The CPRA mandates that businesses comply with annual cybersecurity audits and periodic risk assessments to protect consumers' data.

- **Creation of a new privacy enforcement authority**

The CPRA established a new privacy enforcement authority, the California Privacy Protection Agency (CPPA), and grants it powers for investigation & enforcement of the act.

- **Extra data protection for children's PII**

Under the CPRA, violations involving children's data are liable as intentional violations, meaning they will be judged more severely than before. Violating CPRA often comes with a penalty of up to \$7,500 for intentional violations and a penalty of up to \$2,500 for unintentional violations.

- **The addition of the SPI category**

The CPRA adds a group of highly Sensitive Personal Information that is subject to more strict purpose limitations and disclosure requirements. This group includes Biometric information for identification, Contents of communication, Credit or debit card number with access codes, Driver's license, Ethnic origin, Financial account information and log-in credentials, Genetic data, Health information, Information about sex or sexual orientation, Passport number, Precise geolocation data, Religious or philosophical beliefs, Social Security Number, and State identification card.

## GDPR principles incorporated:



### Storage limitation:

Companies may not retain PII for longer than necessary. When collecting data, companies also have to inform customers of the length of time each type of data is stored.



### Data minimization:

Companies should only collect, use, and store users' personally identifiable information(PII) that is reasonably necessary.



### Purpose limitation:

If a company chooses to use customers' personal information in a way that differs from how it initially disclosed it, the company needs first to inform all customers.

### Attention!

## Why it's crucial to comply

The CPRA will not go entirely into effect until January 1, 2023. However, **businesses operating in California should now prepare for it.**

With the 30-day cure period being abolished, the penalty for underage violations increased to \$7,500, and the establishment of a body for enforcement (the CPPA), businesses have to be more careful not to violate these new privacy regulations.

Businesses should go through the information related to the CPRA, conduct a full assessment of the measures they currently have for CPRA compliance, and check whether there are any gaps in their current policy.



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# Stay ahead of the game



Complying with ever-evolving privacy regulations can be a daunting task in today's landscape. With a full privacy management suite like Mine PrivacyOps, businesses can ensure that their data privacy operations are appropriately managed and compliant with privacy laws, protecting their organization from possible fines, limiting risks, and maintaining users' trust.

For more info on emerging regulations and privacy laws, check out [Mine's business content hub](#).

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