

An aerial view of a city skyline at sunset, with a grid overlay. The sun is low on the horizon, casting a warm glow over the buildings. The grid is composed of small squares, some of which are highlighted in a light blue color. The buildings are of various heights and styles, with some having glass facades that reflect the sunset light. The overall scene is a mix of urban architecture and natural light.

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Privacy Rulemaking and Enforcement

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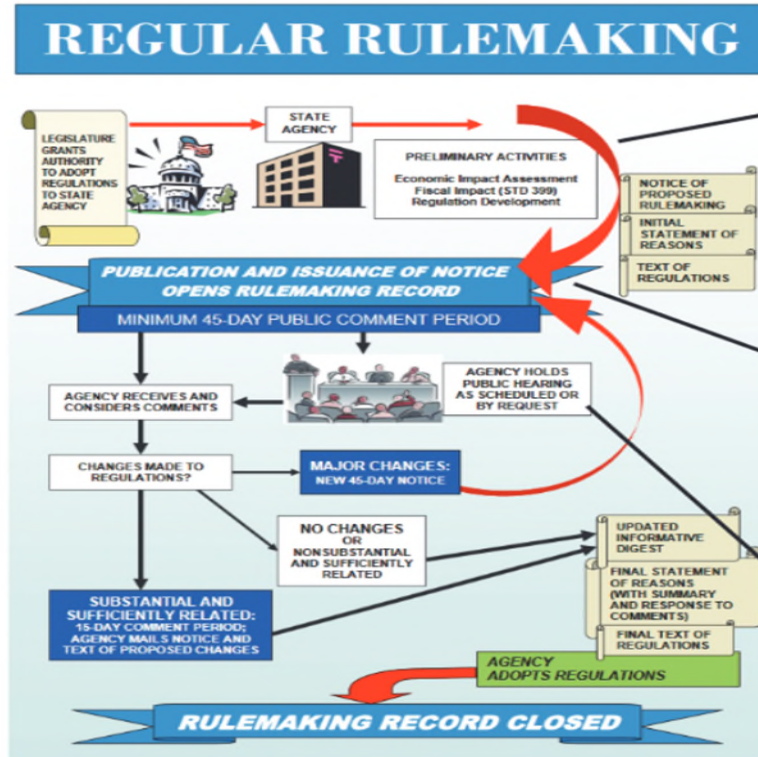
- California & Colorado
- The CCPA
- CA Rulemaking
- Enforcement
- Q&A

State	Forthcoming Regulations
<u>California</u>	<p>Regulations under the CCPA (CCPA Regs) effective January 2, 2024, are available here. These CCPA Regs include additional substantive obligations. Rulemaking is ongoing and additional CCPA Regs are expected.</p>
<u>Colorado</u>	<p>Colorado published the Colorado Privacy Act Rules, which went into effect on July 1, 2023, to establish implementation and operational guidelines for the CO-CPA, which substantially expand obligations and restrictions. Additional rulemaking is contemplated, including with respect to biometric data (§ 6-1-1314(7)) and how the CO-CPA interrelates with Colorado’s Act “Concerning Consumer Protections in Interactions with Artificial Intelligence Systems.” (SB 24-205.)</p>



privacy.ca.gov

A website by the California Privacy Protection Agency



Public Forums are part of our **Preliminary Activities**, before a proposed rule

Anticipate publishing our Notice of Proposed Regulatory Action in **Fall 2019**

Public hearings during the formal public comment period will be recorded and posted online at: www.oag.ca.gov/privacy/ccpa.

Administrative Procedures Act ([OAL Regulations](#): Title 1, sections 1 through 280)

1. Notice Package is submitted to the Office of Administrative Law (OAL)
 - Notice Package Includes: **Text, Notice, Initial Statement of Reasons, STD Form 399** and a **Standardized Regulatory Impact Analysis (SRIA)** if a “*major regulation*” – impact is \$50million+ in a 12 month period
2. Public Comment Period – 45 days
3. Modifications to the text (if any) are published
4. Public Comment Period – 15 days
5. Final Rulemaking Package is submitted to OAL
 - Final Package Includes: **Final Text, Final Statement of Reasons**, the rest of the **Initial Package**
6. OAL review – 30 business days
7. Regulation goes into effect

- **Proposed Regulation Text** – Must be clear and “written or displayed so that the meaning is easily understood by those persons directly affected”
 - Necessary “Forms Incorporated by Reference” included and identified
- **Notice** – Informs the public about submitting comments and requesting a hearing
 - Includes an overview of relevant laws, proposed changes and a summary of Economic Impact Assessment or SRIA
- **Initial Statement of Reasons** – Describes in detail the problem and explains the necessity for each component of the regulations
 - Includes an Economic Impact Assessment or SRIA
- **STD Form 399** – Issued by the Department of Finance (DOF), estimates the economic and fiscal impacts of the proposed regulation
 - When a fiscal impact is estimated STD Form 399 requires a signature from the DOF
- **SRIA** – Analyzes economic impact of the proposed regulation as prescribed by DOF regulations
 - Notify DOF of SRIA at least 60 days prior to filing Notice with OAL and solicit public comment on proposal and/or alternatives

- OAL Reviews for:
 - **Authority** – statutory
 - **Reference** – typically either a statute or court decision
 - **Consistency** – internally and externally
 - **Nonduplication** – of a state or federal law
 - **Clarity** – easy to understand by those “directly affected”
 - **Necessity** – substantial evidence of why each provision of the proposed regulation is required
- If rejected: OAL decides withdrawal vs. denial
- If approved: the regulations become in effect quarterly or “upon filing” with the Secretary of State

The Current Regulatory Package

- ADMt / Processing
 - Behavioral advertising
 - Monitoring of personnel or public places
 - Use of PI to train AI
- Assessments
 - attestation and filing requirements
- Cyber-Security Audits
- Amendments

- Dual powers between AG and CPPA
- CPPA is administrative
- AG is judicial
- AG CCPA Settlements
 - Sophora (\$1M)[cookies / DNS / GPC]
 - Tilting Point Media (\$500k)[children's data]
 - Door Dash (\$375k)
- AG pre-CCPA Settlements
 - Equifax (\$600M)[security]
 - Google (\$93M)[location data]





Q&A

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